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## Senate

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. HATCH).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Most gracious God, we rejoice in the visible manifestation of Your love. You save us from ourselves, opening to us paths of deliverance from narcissistic detours. When we go astray, You see and save us. You came to our world to free us from sin's shackles, providing us with the rights to life, liberty, and the pursuit of happiness. Great and marvelous is Your love.

Lord, permit our Senators this day to reflect Your love. Use them to bring Your light and truth to our Nation and world. May they do justly, love mercy, and walk humbly with You. Inspire them to dwell so fully in the mystery of Your heavenly love that they will love others as You have first loved them.

We pray in Your sacred Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mrs. FISCHER). The majority leader is recognized.

### ORDER FOR RECESS

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Senate recess from 12:30 p.m. until 2:15 p.m. today to allow for the weekly con-

ference meetings; further, that the time during the recess count postcloture on the McConnell amendment No. 2266, as modified.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

### THE HIGHWAY BILL

Mr. MCCONNELL. Madam President, the Senate continues to move closer and closer to passage of a bipartisan, multiyear highway bill. The legislation we advanced again last night is fiscally responsible. It will not raise taxes by a penny. It will give State and local governments the kind of stability they need to plan longer term projects for America's roads and bridges.

The bill couldn't have advanced as far as it has already without a lot of very hard work from a lot of dedicated Members. I want to thank each of them. Doing the right thing for the American people has meant taking some bruises. But the American people sent us here to do some challenging things. They deserve our best efforts on their behalf. I am proud to see the Senate continue along this difficult but promising road.

Success was never assured at the beginning of this process. It wasn't assured even yesterday, and we are not done yet. The important thing is that the Senate is now on the verge of passing a multiyear highway bill. The Senate is now positioned to pass another important piece of legislation for the American people. With cooperation, the Senate may still be able to consider more germane ideas to improve the bill even further. But the bottom line is this: If Republicans and Democrats resolve to keep working hard for the American people, we will get this done.

### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

### BLACK WOMEN'S EQUAL PAY DAY

Mr. REID. Madam President, in the western part of the United States, it is now 8:05 in the morning. I am sure as one of these young girls is rushing to go out to school—let's assume she is an African-American girl—she is telling her mother, her dad or her teacher what she wants to be when she grows up. Maybe she wants to be a veterinarian, a teacher, a nurse, maybe even President of the United States or maybe run some company.

The little girl is going to be shocked if her parents said: You can do it—any of those jobs—but remember that you will have to work twice as hard—at least twice as hard—to earn the same amount of money that your male colleagues do or your brother does or Billy, the neighbor, does. How would that little girl respond? She would probably exclaim: That is not fair. She would be right. It isn't fair. It is an injustice.

Earlier this spring—April 14 to be exact—we recognized Equal Pay Day, marking how far into this year the average woman has to work to earn what a man, for the exact same job, earned last year. This pay disparity between men and women doing the same work is known as the wage gap. On average, an American woman makes 77 cents for every dollar that their male colleague makes for doing the exact same work. As bad as that is, the wage gap is even much worse if you are a woman of color.

Today is Black Women's Equal Pay Day, a day that symbolizes how far into 2015 African-American women must work to earn what their male counterparts earned in 2014. What this means is she worked all of last year and now up until this day to basically

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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earn the same that her male counterpart did.

Let's think about that for just a second. A woman must work a full year plus an additional 6 months and 28 days just to make what her male coworkers made in 1 year. That is 208 days more than a man must work for the exact same salary.

The average African-American woman working full time year-round will make 64 cents for every dollar that her White male counterpart makes. It is unconscionable that in the 21st century we have not resolved this income disparity.

For millions of African-American women struggling to make ends meet to put food on the table, the wage gap puts the American dream out of reach. To give these women a fair shot—an equal shot—at prosperity, Congress must take action.

We have to ensure that all women, African American and otherwise, are empowered to ensure that they are receiving equal pay for equal work. But that is not all. We should raise the minimum wage.

I could do a quiz in this room, and I think everyone would miss it by quite a long mark, of how many Black women are earning minimum wage, what percentage of Black women are earning minimum wage in this country. Of 100 percent of people earning the minimum wage, what percentage is Black women? Almost 25 percent. Black women are almost 25 percent of everyone drawing the minimum wage. To be exact, it is a little over 23 percent.

An increase in the Federal minimum wage would mean more money for their families. It would be maybe to buy groceries or for an extra pair of shoes for their children—or a pair of shoes for their children—or maybe to help with their education in some way, and importantly, for more time to spend at home.

No woman should make less money than a man doing the same exact work. African-American women deserve better. So do my daughters and my granddaughters. That is why I remain committed to ensuring that American women receive equal pay for equal work.

I encourage all Republicans, especially the leader, to take up Senator MURRAY's Paycheck Fairness Act, which would help close the wage disparity for African-American women.

That may be a tall order to expect from today's Senate Republicans. After all, five times in 5 years, Republicans have blocked equal pay for women. How? By filibustering. Five times in 5 years Republicans have told their very own sisters, daughters, and wives that they are not interested in fixing this income disparity. It is unfair. I can't understand it.

Who here can explain the concept of pay inequality to their daughter or granddaughter without shuddering? How do you tell a little girl—a little

girl with big dreams—that in America today her life's work will not be compensated like a man's. It is not right. It is not fair.

Today, as we recognize Black Women's Equal Pay Day, I hope my Republican colleagues will finally understand that it is unfair to continue the way we are, and we should finally come to our senses. I hope that the Republican leader will make the necessary moves to allow us to address this injustice that hurts millions of American families. Twenty-three percent of people drawing the minimum wage are African-American women. All women deserve equal pay for equal work.

Would the Chair be good enough to tell the Senate what the business of the day is.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### HIRE MORE HEROES ACT OF 2015

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 22, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 22) to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act.

Pending:

McConnell modified amendment No. 2266, in the nature of a substitute.

McConnell amendment No. 2421 (to amendment No. 2266), of a perfecting nature.

McConnell (for Inhofe) amendment No. 2533 (to amendment No. 2421), relating to Federal-aid highways and highway safety construction programs.

McConnell amendment No. 2417 (to the language proposed to be stricken by amendment No. 2266), to change the enactment date.

McConnell amendment No. 2418 (to amendment No. 2417), of a perfecting nature.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Madam President, the business before the Senate is the construction of highways and bridges and the operation of mass transit and buses across America. How important is that to our economy? I know in my home State it is critically important, but I think it is important across the Nation.

Our infrastructure, our roads, and bridges are critical for business to operate profitably and for people to have good-paying jobs. We all know the tragedies that occur when bridges collapse or are closed, and we know that thousands across this country need repair.

When it comes to mass transit, come on down to the Loop in Chicago in the morning and stand with me and watch the folks streaming out of the train

stations and off the CTA and off the buses, headed to work every day. It is essential to the economy of Chicago and Illinois, the State I represent.

The fact is that on Friday the authorization to build these highways and bridges and maintain mass transit and buses expires. It is the 33rd short-term extension of the highway trust fund—the 33rd. There was a time when we would pass with regularity and predictability a 5- or 6-year highway bill on a bipartisan basis, and we are anxious to do it.

There was a time when Members of the House and Senate knew the needs back home and knew that the Federal Government played a critical role in filling those needs, and so they voted for the highway trust fund reauthorization.

In my State of Illinois, 80 percent of the highway construction is paid for by the Federal Government. When the Federal Government stops paying, folks stop working. You have seen it; haven't you—the potholes, the highways that aren't finished? You wonder why in the heck did they put all those blockades up and slow down the traffic and nobody is working.

The problem has to do with the way we are currently funding our highway program. We are doing it in bits and pieces. My colleague and friend from California, Senator BOXER, draws a pretty interesting analogy. She said that if you were setting out to buy a home and went to the bank, and the bank said that, of course, we will offer you a mortgage, and here is a 60-day mortgage to buy your home, you would say: Wait a minute; I am not going to make an investment such as buying a home if I can only get a loan for 60 days. That is what has happened to the highway trust fund. The expiration of this temporary authorization on Friday is the end of a 60-day mortgage which we have offered to America to build highways.

Well, several Members of the Senate decided to do something unique—not totally unique but unusual, let's say—to try to find a bipartisan compromise that can move this country forward, try to break through some of the rhetoric and debate on the highway trust fund and find something that works.

I wish to especially salute Senator BARBARA BOXER of California for leading this effort on the Democratic side and joining with Senator MITCH MCCONNELL, the Republican majority leader, and Senator INHOFE from Oklahoma, who is the chairman of the Environment and Public Works Committee.

This is indeed an odd couple, BARBARA BOXER and MITCH MCCONNELL, but they have come up with a plan—a compromise—to solve a problem.

When I go home to Illinois, what I hear over and over from the people I represent is, Senator, when are you folks in Washington going to stop squabbling? When are you going to stop fighting? Can you basically sit down and reach an agreement to solve a

problem we face? That is what Senator BOXER and Senator MCCONNELL have done, and I have joined in the effort. Here is what they are proposing: Instead of a 60-day extension of the trust fund, it would be a 3-year extension. Six years of authorization but 3 years where the money is on the table. I wish it was longer, but at this point I will jump at that. It has been more than 10 years since we have had a highway bill that long. So it is for 3 years. There is a modest growth each year in spending. I wish it was more. It ultimately is going to give the resources back to the States and localities so they can start building the infrastructure America needs to be successful and to compete.

We have worked long and hard on it. It is controversial. It has divided caucuses. There are 46 Democrats in the Senate and 21 of us voted last night to move forward on this bill. So even within our ranks, there is a difference of opinion. I am glad the Senator from California is here to keep me on my toes. She said 22 Democrats last night voted to move forward. I wish all of them were on board, but some of them have their own legitimate concerns for not being there.

The point I am getting to is that when it came to the necessary vote, we needed 60; we had 62. I have to check with Senator BOXER to make sure I am correct. There were 62 votes to move forward and 22 were Democrats. We stepped up and made the difference to help move this process forward.

So here we are. We are close to the finish line. We are not quite there. Because of the procedures of the Senate, we can't do it as quickly as we would like because we have to follow the rules. The rules tell us we are likely to get this wrapped up perhaps tomorrow—I hope as soon as tomorrow—and then we say thank goodness. With a Friday deadline, we will get something done this week before we go home for the August recess. I would say from the Senate point of view, that is exactly right. It means I can say to not only the mayors back home but also to the Governor, the contractors, the workers: OK. Here are the resources to move forward for 3 years. I can also say we have done what we were sent to do, to solve a problem and to do it on a bipartisan basis.

There is a problem. The problem we have is that Senate action alone is not enough. We need the House of Representatives to take the same action. There was an announcement yesterday from a Congressman from California that the House is not going to take up this measure. They want to go home. They want to start their August recess earlier than any other August recess has been started in 10 years. They want to leave. The Republican majority has decided they don't want to take up this bill; they just want to leave, and that is truly unfortunate.

This is our chance to solve a problem for America on a bipartisan basis. This is our chance to invest in our country

and put people to work building roads and bridges and expanding mass transit, buying the buses we need to serve our communities. This is our chance. Yet what we hear from the Republican side in the House of Representatives is, Sorry, we are going home. We will see you in September.

Mr. WHITEHOUSE. Madam President, will the Senator yield for a question?

Mr. DURBIN. I will be happy to yield to my colleague from Rhode Island for a question.

Mr. WHITEHOUSE. The Senator from Illinois has just said the House is planning to bug out this week before the Friday deadline when the highway trust fund collapses for the August recess.

May I ask the Senator from Illinois, through the Chair, the following question: Is it even August? Isn't it July 28 today?

Mr. DURBIN. I would like to take judicial notice that according to the Calendar of Business, it is still July; Tuesday, July 28, 2015.

Mr. WHITEHOUSE. In the past, have we not worked into the early week or weeks of August before taking the so-called August recess?

Mr. DURBIN. For the past 10 years, the August recess has started in August. The House of Representatives wishes to start it in July.

Mr. WHITEHOUSE. And Friday is when the funding for our highways comes to an end. It appears to be the intention of the House to have gotten out of Dodge by then in order to, I guess, dodge any consequence for not having met us on bipartisan terms with a bipartisan 6-year bill.

Mr. DURBIN. Apparently, they need a rest and they want to go home for that purpose, but I wish they would stay and finish this business before they go.

Mr. INHOFE. Madam President, will the Senator yield for a question?

Mr. DURBIN. Of course. I yield to the senior Senator from Oklahoma.

Mr. INHOFE. Madam President, I would observe, after just walking in, that we are talking about the actions that have not been taken formally but that several Members of the House have talked about—we are going to bail out of here.

My feeling is this—and I am asking a question through the Chair if the Senator from Illinois would agree with my observation. One of the reasons I think those statements have been made in the House is because they never believed we were going to be able pass a 6-year highway reauthorization bill in the Senate.

Now, once that realization is there—and I am going to make an appeal to whoever is trying to string out this debate to shorten the time so we can have the vote that is pending right now take place and get on with the last and final vote, so we would actually have that ready while the House is still in session. They could very well take it up at that time.

Now, if the individuals have placed themselves in a corner so that is not going to happen, I don't know. But is it worth a try? That is my question.

Mr. DURBIN. Madam President, through the Chair, let me respond to my colleague from Oklahoma, to first thank him for his bipartisan leadership on the committee. He and Senator BOXER are an outstanding example of bipartisanship when it comes to this issue. They have produced a 6-year authorization, and though I may not agree with some of the particulars, I thank him for that leadership on his side on a bipartisan basis.

As far as the efforts of the Senator from Oklahoma to speed up the vote in the Senate so we can catch our House colleagues before they leave, I would support it completely, but the Senator from Oklahoma and I both know that any single Senator can divert and stop that effort. I will support the Senator in bringing this forward as quickly as possible.

Mr. INHOFE. I appreciate that. The only other question I have is the second part that I will ask. There is time to do this. I am going to personally make every effort—and I think Senator BOXER shares my anxiety over getting this bill into a position so we can vote.

All we have to do is move this up so we are not going to be voting at the expiring time of 4 o'clock in the morning, when that could just as easily be tonight, and that would give us time to allow the House to look at it and perhaps come up with a better judgment than they have expressed so far.

Mr. DURBIN. I would just say through the Chair to the Senator from Oklahoma, we have to appeal to the better angels of our colleagues' nature, and a cooperative effort would be somewhat miraculous but worth a try. I am happy to support him in that effort.

Let me just close and yield the floor to whoever would like to speak. This is a chance to do what America expects us to do. Why were we sent here? Why did we get elected? I am proud to represent Illinois, but I was sent to solve problems, make life better, and create an economy that is growing.

There is nothing more bipartisan and more important than the infrastructure of this country. If people wonder about that, go visit China and look at what is going on there. There are building cranes in every direction. Highway and train routes are being built in every direction because they are preparing their Chinese economy for the 21st century. Is America? I don't think so. What we are doing is passing short-term extensions of the highway trust fund. We cannot patch our way to prosperity. We cannot, on a short-term basis, have a long-term plan to build America's economy. Because of the hard work on both sides of the aisle, compromises being made, we are at a point where we can have a 3-year highway bill, and it is time for us to do it, no excuses.

I support what the Senator from Oklahoma said: Let's accelerate this in the Senate, if we can, and then pray that our colleagues in the House decide to hang around long enough to take up this bill, which I believe would be a worthy alternative to another short-term extension.

Mr. INHOFE. Madam President, will the Senator yield for one last question?

Mr. DURBIN. I am happy to yield.

Mr. INHOFE. Would the Senator join me in reaching out to try to see if we can get unanimous consent to go ahead and move forward? I know what we are doing is more significant than other things that are going on. If they don't like the bill for some reason, that is one thing, but bring it forward so this can be done. I am inclined to hope we could encourage any of those who are just killing time right now to join us in doing this.

It is my intention to go ahead and make that request, and I will ask if the Senator from Illinois would join me in that effort.

Mr. DURBIN. Madam President, through the Chair, I would say to my colleague from Oklahoma, let's sit down and put this UC together. Then, the Senator from Oklahoma can take it, as we do by custom, to his cloakroom and I will take it to mine and let's see if we can get this moving forward. I wish to protect the rights of Members, but I think many of them would like to join us in accelerating this process so there is activity on the floor which is productive. I am happy to work with the Senator from Oklahoma.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, let me thank the Senator from Illinois and the Senator from Oklahoma for their efforts on the floor today. I think this continued progress toward a bipartisan 6-year deal to make sure our highways and bridges are funded and repaired is a very important piece of the work.

I wish to join the Senator from Illinois in saluting the efforts of my ranking member, Senator BOXER, who has worked so hard through the Environment and Public Works Committee to get to a place where we now have a Senate bipartisan compromise for a 6-year bill, with 3 years fully funded, and the prospect for all of our State departments of transportation to be able to take on big projects, knowing that funding is out there.

We are taking up this conversation while our own American Society of Civil Engineers gives our American roads the grade of a D. I don't know about the Presiding Officer, but if my kids came home with a D, I would not be amused and pleased about that. So when our own engineers tell us our roads are a D and our Federal highway program has limped along, 2 months, 6 months—these tiny, little steps forward—and now we have a chance to put

a serious slug of money on the table so our departments of transportation can do the work our roads so desperately need, why not go forward with that? Across this country, Americans pay more than \$500 a year in car repairs as a result of our terrible roads—so \$500 out of their pockets getting their wheels realigned or their tires repaired because they have been banged by potholes and bad roads hurting their vehicles. There is a real pocketbook consequence for Americans if we fail to act.

We have a bipartisan compromise. We should push it forward. What the House is doing is not helpful. I hope, as the distinguished Senator from Oklahoma, my chairman on the Environment and Public Works Committee said, they come up with a better judgment than they have expressed so far. I think that under these circumstances, bugging out and starting the August recess before this problem is solved—indeed, before it is even August—is a pretty serious misjudgment.

So let's hope we can keep after this. We do have strong support for getting this done. Whether it is the American Association of General Contractors, whether it is the National Association of Manufacturers, whether it is the U.S. Chamber of Commerce, there are a lot of organizations that customarily support the Republican side that want to get this done. I hope they will be having conversations with Speaker BOEHNER and with Majority Leader MCCARTHY to ask them to have better judgment about what to do in this circumstance, other than to bug out for an August recess before it is even August and leave Americans high and dry without a bipartisan 6-year bill that is being fashioned in the Senate right now.

Again, I wish to express my appreciation to my Ranking Member BARBARA BOXER, who has worked so hard to bring us to this point and our chairman, Senator INHOFE.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I rise to speak in favor of the DRIVE Act. I was a supporter of this bill from the first vote we had in the last week. There were some changes made immediately that I thought were important. I think this long-term bill is incredibly important to our country's future. Time and again, we have had these short-term extensions, and that is what the House of Representatives is talking about again.

We have an opportunity here. Americans, as we know, can't fix a road in 2 months. In a State such as Minnesota, where we have two seasons, one road construction season and one winter, citizens cannot plan ahead and our State cannot plan ahead when we continue to have these short-term extensions. They also want to do bigger things and better things for transportation in our State, and this funding

and this bill will allow them to do that, instead of this Mickey Mouse short-term extension time after time after time.

As we have heard from my colleagues, ranking member Senator BOXER, our chairman, Senator INHOFE, Senator DURBIN, and Senator WHITEHOUSE today, I think it is incredibly important that we move forward with this bill.

This Senator came to this issue in a very tragic way; that is, when a bridge fell down in the middle of a summer day. The anniversary of this bridge collapse is coming up in just a few days. It was a beautiful summer day, rush hour, and there were tons of traffic going over one of the most heavily traveled bridges in our State. This wasn't just a bridge; this was an eight-lane highway. It was something you wouldn't even notice as a bridge because there were so many cars on it. It was the I-35W bridge.

On that day, I was in Washington. I remember trying to call some people in Minnesota. The cell phone services wouldn't work, and I was wondering what was wrong with the cell phone service. What I found about 5 minutes later is that people were calling, panicked about their loved ones because tens of thousands of people were traveling near that bridge that day. In fact, when that bridge collapsed, tragically, 13 people died and dozens of cars were submerged.

Heroes who came to the front that day didn't run away from that bridge. They ran toward it. No one will forget the off-duty firefighter Shanna Hanson, who was going in and out, in and out on a rope tethered to the side of the bridge, trying to get people, trying to find people in the murky water. The fact that 13 people died—tragic as it was—was something of a miracle, given how many people were injured. Over 100 people were injured in the collapse.

A schoolbus sat precariously on the edge of the bridge. A Tasty truckdriver literally veered out so the schoolbus wouldn't go over the edge and ended up tragically dying himself when the truck caught on fire. The schoolbus was labeled the "miracle bus" because youth workers on the bus had the presence of mind to take these little kids who were on the bus going out for a summer outing and get them out the back and to safety. That happened. All of that happened on August 1.

As I said that day, a bridge just shouldn't fall down in the middle of America—not an eight-lane highway, not a bridge which is literally 8 blocks from my house and which I drive on every day with my family, with my daughter. That is the bridge that fell down.

So what did we do in Minnesota? In 13 months, we rebuilt that bridge. On a bipartisan basis, just like you see with this bill with the DRIVE Act, we worked together across the aisle. We got the Federal funding, and we rebuilt that bridge, but that is not where the story ends.

Because of what happened, because of the design defect that caused that bridge to fall, in addition to two other issues NHTSA found, which are that there weren't adequate inspections and they also found there were problems with construction guides because there was construction work going on—but the bottom cause was a design defect.

If we had adequate highway funding, adequate inspections, and we were able to go back in and look at bridges, as we did after the fact in Minnesota, and found that others had the same defect and that they had to be replaced—our State put more money into infrastructure, which helped us—I should add for my colleagues in this Chamber that it was one of the major reasons CNBC rated Minnesota as one of the best States to do business in the country, the best State to do business in, followed by Texas, Georgia, and Colorado. Two of the major factors they looked at were the quality of life and infrastructure.

After this collapse occurred, we invested, and that is what this bill is about. It is about making a safer America. As Senator WHITEHOUSE just outlined, our country is getting D's for infrastructure. It is about a safer America. It is about reducing congestion, but it is also about our economy, as shown by what has happened in Minnesota since the bridge collapse. It is about building our economy. When we are building our economy based on exports, we have to have a way to get goods to market. The way you do that is to upgrade railways and upgrade locks and dams, as we did in an earlier bill last year when we updated highways and we updated bridges.

I am very excited about this bill. I love the fact that this leads us to a 21st century transportation system. I love the fact that we were able to get my distracted driving provisions in there, with the help of Senator THUNE, Senator NELSON, and I had worked on them with Senator HOEVEN.

Distracted driving is a major safety risk in this country that we are finally going to be able to find a way to get the money out to the States so it is not just sitting and piling up and going nowhere, so States can start educating people about distracted driving.

There is the work in the bill on graduated driving that I worked on so hard, on licenses as well as drunk driving. There are a lot of good measures in this bill.

Mostly this bill is about the long term. It is about looking at the long-term economy and looking at the long-term safety issues, instead of just putting on a bandaid every 2 months, every 3 months, every 6 months. This is an opportunity that can't be missed.

I ask my colleagues for their strong support. We have strong support for this as well as the Ex-Im Bank. I ask my colleagues across the way in the House to support this bill, do the right thing, and come up with a long-term solution.

Mr. INHOFE. Will the Senator yield for a question from the chairman?

Ms. KLOBUCHAR. Yes.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I ask the Senator, How many people were killed in that bridge collapse?

Ms. KLOBUCHAR. There were 13 people killed that day.

Mr. INHOFE. Is the Senator aware that around the same time that happened, in my State of Oklahoma, we were in the process of the last long-term bill in 2005. A mother with three children was driving below a bridge in Oklahoma City. Some concrete dropped off and killed the mother. We corrected that in the 2005 bill.

But the question I would ask you is, Why do we wait until people die before this happens? I have a list of bridges that are in need of attention, and later today I will read it for the third time. We can avoid things such as this from happening, but if we don't do something, if we are not going to do it, then large projects cannot be done with short-term extensions. My question is, Why do we wait until death is at our door?

Ms. KLOBUCHAR. I appreciate that question from the Senator from Oklahoma. I thank the chairman for his work on this bill, for his chairmanship on the committee, and his willingness to work across the aisle on this bill.

I would say this is a major problem. If we do just a short-term extension, then maybe a project gets funded here and there, but we don't do the long-term maintenance, which is never as glamorous as building new projects.

This is about long-term maintenance and work that needs to be done on our existing roads and bridges as well as exciting new opportunities. But when we don't have that kind of clear funding source for our States to see that we have a window, as the Presiding Officer knows with her leadership in the State of Nebraska, you just can't do projects in a State when the funding is not going to be there 3 months later. One is not able to invest in the maintenance and long-term work that needs to be done, and that is why this Senator thanks the chairman and the ranking member, Senator BOXER, for her incredible work on this bill as well because this is about long-term funding for planning, for safety, and also for our economy.

Mrs. BOXER. Will the Senator yield for another question?

Ms. KLOBUCHAR. Yes.

Mrs. BOXER. I thank my friend because she has been such a leader. I was listening to every word she said, as well as Senator INHOFE talking about the mother who was killed because of a bridge collapse. This touches our hearts as family members. Yes, as Senators, but as family members we know those families will never be the same—the family, the children of that mother, the families of those who are grieving the loss of their relatives.

I ask my friend, who was so early on a supporter, is she aware that seven States have either canceled projects or completely shut down their highway and transit spending? Is she aware of that?

Ms. KLOBUCHAR. Yes, I am.

Mrs. BOXER. I wanted to say that I have a chart here that shows the States that have either canceled or delayed highway projects. These projects are valued at over \$1.6 billion. Think about the jobs and the businesses that are suffering. They are in Arkansas, Delaware, Georgia, Montana, Tennessee, Utah, and Wyoming.

I have a further question. I know my friend has heard me say this. Is my friend aware that the Associated General Contractors of America came out with a new study? They were just in the New York Times stating that because of our, I will use the word "dithering"—because we haven't come up with the long-term bill, which we are now attempting to do—25 States have lost construction jobs just in the last month. Is my friend aware of this study?

Ms. KLOBUCHAR. Yes, I have heard of that study, and I think it mimics what we have seen in other studies. If we don't plan ahead, people will start cutting off the work.

Mrs. BOXER. I will just say before I yield that the States that lost construction jobs last month, according to the general contractors, are Alaska, Arizona, California, Florida, Georgia, Illinois, Maryland, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Utah, Vermont, Washington, West Virginia, and Wisconsin. I wanted to read those off.

I will talk about that later, but I wish to thank my friend because the point—when she talked about what happened on this bridge, my friend didn't have to read one word of any statement. This was a heartbreaking memory she will always have. We all go through this in our time here, when there are earthquakes, floods, fires, and bridge collapses.

I would ask my friend this last question: Does the Senator think this is important enough that the House should stay an extra week or even a few days to take up our bill, pass it or if they don't like it, amend it, send it back, and let's get this done for the American people.

Ms. KLOBUCHAR. I say to Senator BOXER and Senator INHOFE, I think that is why we are here today, to talk about the fact that we have come together across party lines with people from completely different political ideologies to agree that we need a long-term fix to our transportation problem.

As the Senator mentioned the people, I think sometimes people think about transportation as bricks and mortar or something very esoteric, but it is not; it is about the people who use the system. Senator INHOFE talked about the

people who died in the bridge collapse in his State. There is a memorial for the 13 people who died in our State. I would suggest, if you ever come to the Twin Cities, come and look at it because it shows—as Senator INHOFE knows—everyone uses the roads and bridges. These people came from vastly different backgrounds. They were young people. There was a man who died. He and his wife had just decided they wanted to have a baby. Of all things, after he died, she decided to adopt children by herself, and she decided to adopt them from Haiti. Then the tragedy happened in Haiti, and we actually helped her get these children home. These are people who worked all kinds of different jobs. Some were coming home from work, some were students, some were moms busy in their car. Those are the people who died. They were America. America uses our bridges and roads and trains. We have to remember this is about the people who work construction, this is about the people who use the roads and bridges, and this is about our economy moving forward.

Sometimes we get so into facts and figures and what one House does and what the other House does that we forget why we are spending money on our bridges and our roads and what this means for our future economy.

I thank the leaders of this bill for what they have done, their willingness to take a lot of heat for working across the aisle, for making sure that what we are using to pay for this bill are things that make sense for our country and continue to allow us to move forward, and also for making changes to the bill when other Members had problems with it. That is why they are gaining so much momentum, and I am sure our friends over in the House are looking at this bill. They have examined the pay-fors—they have now had weeks to do that—and they have also looked at the safety provisions and other things in the bill.

So at some point they are going to have the ability to decide if they are for this bill or against it or, as Senator BOXER mentioned, if they want to make some changes. But the key is that we have a good base bill which has brought people together from across the country, from different ideologies, which they can use and look at. If they just want to do another one of these short-term fixes—it is never going to get us where we need to be so we don't have another one of these bridges collapse on August 1, in the middle of a summer day. That happened in this country in this century. It will happen again if we keep this up.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, before the Senator leaves the floor, I would like to thank her again. What I want to say to her is something she has said to me over and over; that is, the importance of finding common ground

when we can. We all know we cannot give up our principles, but we have to search for common ground.

And everyone knows—and Senator INHOFE and I kind of joke about it—we could not be different in terms of our ideology. We really could not. But on this one, on this piece, the need to have a strong infrastructure, we are as one, as progressives, as conservatives.

Frankly, I think everyone in the Senate and in the House should come together around the principle that you cannot have a strong economy if you cannot move goods. That is why my friend Senator INHOFE put together a great new freight title in our bill this time, part of the formula. It is hugely important. If we cannot move goods, if we cannot move people, we are going to fall behind.

Clearly, when bridges collapse, there is devastation. I have shown this particular bridge collapse, along with the one on which Senator KLOBUCHAR was so eloquent. This is a bridge in my great State. We have 40 million people. We take in about 40 to 50 percent of all the imports into our Nation; they go into trucks and trains and planes. They use our roads, and they go across the country to deliver goods to everyone.

Well, the bridge that collapsed in California a few days ago—maybe a week or two ago now—was deemed to be obsolete because it was built for very light traffic. It is the bridge between California and Arizona. There was very little traffic at the time it was built. Now we have a huge amount of traffic. This bridge collapsed. Thank the Lord no one died, so I can stand up here and say that.

This, to me, is the poster child of the work we are doing together. This is the poster child. There is a list of bridges—there are more than 60,000 deficient bridges in America. This is America. They are deficient—some worse than others, but they are deficient.

I have listed just a few here—just a few: Alabama, Arizona, Arkansas, California, Colorado, Connecticut, the District of Columbia, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, Washington, Wisconsin. This is just a handful—a couple of handfuls of the 60,000-plus bridges that are deficient.

Senator INHOFE, in your State we have listed as an example the I-40 bridge over Crooked Oak Creek. As I was saying yesterday, when I was a country supervisor a very long time ago, we found out as supervisors—and we were a very bipartisan group—that our civic center was at risk of collapse in an earthquake. In those years, we did not know that much about how to reinforce. It was just coming to light. It is a Frank Lloyd Wright building, a gorgeous building, a historic building.

We were told that if we did not fix it, there was a possibility that we could be held personally liable if something happened.

Clearly, no one here is going to be personally held liable if a bridge collapses, but morally we need to understand that now that we know we have 60,000-plus bridges in bad condition and that 50 percent of our roads are not up to par, we have an obligation to fix it. It is very clear that we must do so.

I am proud that almost half of the Democratic caucus has come together with a larger percentage of the Republican caucus to put together a transportation bill. I am proud of that. It is on the road to passage. Last night, at a crucial moment late in the evening, we got 62 votes. That was not an easy thing to do because, as the Presiding Officer knows, there were things she wanted in that bill, and there were more things I wanted. I wanted things out of the bill and other things added. Each one of us, of course—we are people who are passionate about these issues. We would have written the bill differently. I would say that anyone in America, having the chance, would write it differently. But the art of compromise is something we should not be afraid of. You are not compromising your principles; you are seeing where you can find a sweet spot. I believe we did that.

I am urging the House not to leave on their summer break and to stay and work on this bill. We have done a lot of the heavy lifting. We have done a lot of the heavy compromising. They can do more. They can take out things they do not like, add things they want. We can sit down in a conference. We can get this done.

My opinion: They should take it and pass it. When a bill has 62 votes here, that is pretty darn good. If they want to tweak it, they can do it. But I think they need to stay.

I served proudly with my friend Senator INHOFE in the House. I served for 10 years. It has been 10 years since the House has had this long of a break. They have not left before August for the August recess. I think they should stay. They should stay.

You know, the average American, when they are about to go on their summer break, the boss says: Clean up your desk, please. Finish your work, please. Don't just pile everything on one side of the table, please. Take care of it.

The House ought to finish its work. Take up our bill, amend it, send it back, and we will get it done. Most of the work is done. Most Americans have to tie up loose ends before they take a long break. I might add, I think it is a 5-week break—a 5-week break. Do your work. Maybe you can only go on a 4-week break. That would still be twice the time most Americans get. Do your work.

When I say bridges are in poor condition, that is not hyperbole, that is fact. This is not some study put out by a



Democrat or a Republican; it is put out by the engineers. Our infrastructure is rated—I believe it is a D overall. If our child came home and said “Mom, I have a D,” we would not be happy. Well, taxpayers are not happy that our infrastructure is rated a D.

So I ask the House: Please stay and do your job. Roll up your sleeves. We will work with you. We can resolve these things. You have had time to look at our bill.

I will close with just two more points. I want to give the highlights of our Transportation bill on which we worked so hard across party lines—Senator INHOFE; myself; the Banking Committee, chairman and ranking; the Commerce Committee, chairman and ranking; the Finance Committee, which paid for this bill.

Some people are voting against it because they do not like the way it is paid for. They say it is better to find some long-term answer in international tax reform. Personally, I think that is a great idea, but you have time to pay for the last 3 years in that fashion. We have paid for 3 years; this bill is 6 years. Pay for the last 3 years.

As for me, I am a lonely voice here. There are about five of us who say: A penny a month for 10 months on the gas tax. We don't have the votes. So what do I do? Go in my corner and cry? I don't have the votes. No, we have to put a bill together. So this is a \$50 billion-a-year bill for 6 years. Three years are paid for. Every State gets more formula funding for both highways and transit. There are two new programs: a formula freight program that my friend Senator INHOFE, working with Republicans and Democrats, put together; and a new grant program for major projects called the AMP Program. Senator WHITEHOUSE worked across the aisle for that program. All of our States are eligible.

It includes the McCaskill bill. It is the McCaskill-Schumer bill that says rental car companies cannot lease out cars that are under recall. I think this is important because we see a lot of the problems with the Takata air bags.

Because Senator NELSON has worked so hard on that, we have tripled NHTSA fines. We have used that money in the bill to help put positive train control on the commuter rails. This is important. People are dying because we do not have positive train control.

Is the bill the perfect bill on safety? In my view, it is not. In somebody else's view it is. It is a compromise. But I think, overall, it is solid. Every State will see an increase in their highway dollars, in their transit dollars.

In closing, I wish to thank Senators on both sides of the aisle, including the Presiding Officer because we did work together. We did a good job. It was hard to do. I know my friend had one provision she wanted. She had to scale it back. It is hard to do that. I had a program I wanted. It got scaled back. We all have to give and take, but that

is what the people expect of us. Whether they are Democrats, Republicans, Independents, it does not matter—they want us to get something done.

I am proud of the Senate. We are not done yet. We still need some more votes on this, so everyone stay tuned. But if the House will stay an extra few days and take up our bill, we can get this done for the American people. We can save businesses, we can save jobs, we can keep this recovery going, and we can feel proud that we fixed our bridges, that we fixed our highways, and that we did the work we are supposed to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, well, I am going to have to disagree with my partner over here on one thing; that is, the insistence that the House stay. In my opinion, they are not going to stay. That is done. But this can still be done with their targeted adjournment date for them. The way that can happen is for us to right now—we are waiting out the vote. If nobody yields backs—it is on the Inhofe substitute. That is what we are doing right now. That vote can take place at 5 o'clock in the morning. If you moved that up—and right now we are asking unanimous consent to do that. If we are able to do that, that could happen this afternoon. That means we could have the next step, which would be to move to the bill. That could be done while they are still here.

What I do not want to happen is to have them—you know, we are successful and done with our bill and then send it over to the House and they are gone. So I think we can still do it while the House is still here.

I have to say—and I am not sure the ranking member of my committee, Senator BOXER, agrees with this, but I think they never believed we would be able to get the bill done. That being the case, they staked out early and said they—for any number of reasons, they are going to be gone. Well, we can do it. All we have to do is to move this up and to get time yielded back. We can do the same thing then on final passage. We could have the bill over there in good enough time—Wednesday; that is tomorrow—that they could still act on the bill. That would be my goal on this because I think that is the only way.

Mrs. BOXER. Will the Senator yield for a question?

Mr. INHOFE. I will yield.

Mrs. BOXER. I would love to get this done in 5 minutes. So let me be clear about where I stand. But has my friend received confirmation from Speaker BOEHNER that he would take up the bill tomorrow? My understanding is that they moved up their—this is what I heard. I can't swear to it, I don't know exactly, but what I heard is they are actually moving up their adjournment from Thursday to Wednesday so they can escape from having to take up our bill.

Does my friend believe that if we could get this bill done, they would stay 24 hours and deal with our bill?

Mr. INHOFE. Reclaiming my time, I don't know what they would do, how long they would stay. If we don't finish it until they already are gone, then we know that.

Mrs. BOXER. OK.

Mr. INHOFE. But I still think that can be done. There is this urgency. We have worked long and hard. People say they haven't had time to get into this thing. We passed our bill. They have had 5 or 6 weeks to absorb this. And this argument that we have a 6-year bill with only 3 years of funding—this is kind of a phony argument because we have a valve that doesn't exist anywhere else that if we go through and start a 6-year bill, that would allow us to get into the major projects which the Senator from Minnesota was talking about and which the Senator and I have been talking about that you cannot get into with short-term extensions.

Mrs. BOXER. That is right.

(Mr. CRUZ assumed the Chair.)

Mr. INHOFE. We all understand that. So we can start those projects. Given 3 years, I can assure you that we would have the opportunity to find offsets that would be acceptable. We were operating under the gun before. This would take that away. We can go ahead and accept the fact that we have 3 years funded.

For those individuals—and I am speaking now of my colleagues on this side of the aisle—who are conservative who have had the argument that we will then have to borrow money in order to finish the 6 years.

We can really have it both ways. We start the projects, and then there will be enough pressure on and we will be able to do—incidentally, I have to keep reminding my friends that there is a conservative position, and that is to pass this bill.

You know, I get so tired of people—there are a lot of people out there who actually voted for the \$800 billion—way back at the beginning of the Obama administration—the \$800 billion stimulus bill that didn't stimulate. We tried to put an amendment on there. I know the Senator from California and I co-sponsored amendments. They were all rejected.

Then along came the \$700 billion bailout, and a lot of my Republican friends voted for that.

Now they complain that the money isn't there. Well, the money can be there. And if it hadn't been for those two things, we wouldn't be having this conversation today. But the money can be there. We need time to let that happen. Certainly, as we pass this bill, start the major projects that are going on, then we will be in a position to do that. The key to making that happen, to allowing that to happen—I am not going to give up because the House

hasn't left yet. They say they are going to leave tomorrow afternoon. Well, if we go ahead and yield back enough time to get this vote this afternoon, we could do the same thing on the final vote.

By the way, those individuals who want to have amendments, you can still have germane amendments that would not be treated as an amendment, but we would consider putting those into the managers' amendment. If that happens, that would become part of the vote we would be voting on tomorrow. To allow that to happen, we have to go ahead and yield back time so that we can have this vote take place and start working on those amendments that are germane to see which of those we are going to be in a position to consider.

Anyway, that is what I am hoping will happen. I think there is an opportunity.

Again, people who make statements—and I have a lot of friends in the House. I spent 8 years in the House. These individuals who are speaking now—one of them made kind of an off-the-cuff statement about, you know, we are just not going to consider it. Well, I really believe most of them over there felt we weren't going to be successful in passing a bill. So it is still possible we can do that. We do have the time left, and we know what we have to do to do that.

Let me talk a little bit about the sense of urgency.

First, I appreciate the fact that this conversation took place. The Senator from Minnesota had some pretty graphic pictures of what happened that took the lives of 13 people, a bridge falling down.

The DRIVE Act contains some other key provisions outside of prioritizing bridge safety and stability.

Today, the National Highway System carries more than 55 percent of the Nation's highway traffic and 97 percent of the truck freight traffic.

We have never had a freight provision. This is my sixth bill that I have worked on—actually going all the way back to the House days—and we have never had a freight provision to take care of this problem.

Of the 4 million miles of public road, the National Highway System represents 5.5 percent of the Nation's most heavily traveled miles of road. Americans depend upon a well-maintained National Highway System that provides critical connections between urban and rural communities. American businesses pay an estimated \$27 billion a year in extra freight transportation costs due to the poor condition of public roads.

Look at it. Look at that. How many lanes are there on this one? There are six lanes, all of them stopped. What happens when they stop? The engines keep going. The air is polluted. Gasoline costs a lot of money, and the freight cannot go through. Well, that is why we have this.

Recognizing that it is the foundation of the Nation's economy and the key to

the Nation's ability to compete in the global economy, it is essential that we focus efforts to improve freight movement on the National Highway System. Incidentally, if we don't pass this bill and if we go back to extensions, that ain't going to happen. It can't happen.

I always have to pause to remind my conservative friends—and I can say this because I have had the ranking of the most conservative Member probably more than anybody else has—the Constitution tells us what we are supposed to be doing. We are doing a lot of things the Constitution never contemplated. It says in article I, section 8 that we in the House and the Senate are supposed to be defending America and roads and bridges. That is what we are supposed to be doing. So I would just say I have to remind people that the conservative position in the Constitution is to go ahead and do what we are trying to do with the DRIVE Act today.

The DRIVE Act includes two new programs to help the States deliver projects that promote the safe movement of consumer goods and products.

The first new program is the National Freight Program. That is what we are talking about right now.

That is what is bogged down in traffic right here.

It is distributed by a formula that will provide funds to all States to enhance the movement of goods, reduce costs, and improve the performances of businesses. The program would expand flexibility for both rural and urban areas.

A lot of the reason this hasn't been handled before is that States send in their priorities. You know, one of the few things in government that do work is what we are going through right now. When we set up a formula, we take into consideration what the people at home want, what the people in my State of Oklahoma think is the most important thing in terms of roads, bridges, highways, and maintenance. There are some liberals here in Washington who think there has never been a good decision unless it came out of Washington. But we always emphasize what they consider to be the greatest concern within their States.

The reason that freight doesn't often get the high priority it should is because a lot of the freight moves in and out of a State and the States don't evaluate that as an economic benefit. That is shortsighted because States on either side provide that kind of traffic, and it does add to the economy of the State, it is just not direct the way the rest of the projects are.

So we have this type of congestion taking place.

Secondly, it will improve efforts to identify projects with a high return on investment through State freight plans and State advisory committees.

The second new program is the Assistance for Major Projects Program, which creates a competitive grant program to provide funds for major

projects of high importance to a community, a region, or to the Nation. The program includes a set-aside for rural areas and it ensures an equitable geographic distribution of the funds. The State of Oklahoma is a rural State, so that is very important.

One thing you cannot do with the short-term extensions—keep in mind, the last time we had a long-term bill, the reauthorization bill, was 2005. By the time 2009 got here, we were working on just the short-term extensions—33 short-term extensions. So you can't do those major projects that have to be done sooner or later in our country.

In Chicago, IL, the I-290 and the I-90/I-94 intersection is the intersection we have been looking at with the congestion. It is the No. 1 worst freight bottleneck in the United States. The average speed slows down to 29 miles an hour. Morning and evening rush hour speeds have been known to drop below 20 miles an hour. It carries about 300,000 vehicles a day. That is the Chicago I-29.

Houston, TX, the I-45 at U.S. 59—and certainly the occupier of the chair is fully aware of this and I am sure has been bogged down in traffic many times on the Texas I-45 at U.S. 59 exchange. Houston, TX, is the home of 5 of the top 20 freight bottlenecks in the Nation. Texas is home to 9 of the top 25 freight bottlenecks. Freight bottlenecks cost the freight industry in Texas \$671 million annually and 8.8 million hours of delay.

This is what we are looking at, looking at Houston. It happens that I was stopped there going there one time. That is why I always fly down to South Texas rather than drive—to avoid that.

So I-45 at the intersection is ranked third in the Nation by the congestion index. It is the same I-45 at 610 North that is ranked 15. There is an average speed slowdown to 39 miles per hour, and there they are, out there wasting valuable time.

Fort Lee, NJ. The I-95 you are looking at right now connects Fort Lee, NJ, to New York City. It is the second worst freight bottleneck by congestion index in the Nation. The average speed slows to 29 miles an hour. Rush hour speeds in the morning and evening slow down to about 15 miles an hour.

The nearby I-95 Cross-Bronx Expressway is the most congested corridor in the country. By the way, anyone from here in Washington who is going up to anyplace along the coast, Connecticut on up North, has to go through that, and I have had to do that. I had an occasion just the other day to give a commencement talk up at the Coast Guard Academy. To get up there, I had to go all the way across that bridge, and it almost made me late. So that is one that is well known.

The George Washington Bridge is the world's busiest motor vehicle bridge, carrying over 106 million cars a year.



Anyway, that is what we have right now. We have a freight program to alleviate this type of congestion and increase America's ability to conduct commerce on our highways.

We have another talk that we have given several times where we go over all of the bridges. The Senator from Minnesota was talking about the tragedy of the bridges. But if you look and you see, it is not just confined to the east coast. If you look and you see, in my State of Oklahoma, in the northeastern section, we have more deficient bridges—probably ranked No. 3 in the Nation, I would say—and those bridges are not going to be addressed until we have a chance to do it.

Simply look at this Eisenhower quote, a republican president who understood the need for federal investment in our military and our highways. I always like this because I chair the Environment and Public Works Committee and have been ranking member of the Senate Armed Forces committee. I think it is deplorable, what President Obama has done to our military. I call it the disarming of America.

Yet the guy who started this whole thing—I don't think even the Chair is aware of the fact that the reason Eisenhower started this way back in 1956 was to defend our Nation. He said: As it is right now, we don't have any type of a system where you can take goods and services and move them across either coast to be sent out in the defense of this country.

So I am hoping that we all realize the need to reauthorize this long-term bill. Right now, we are in the middle of not doing anything, not getting done, but it is a 30-hour delay. If we can just move that up so that instead of voting on that at 5 o'clock in the morning, we can vote on it this afternoon—which would be just as easy to do, and I am going to ask unanimous consent that we be able to do that—then we could move on and do the same thing as we move toward the bill.

Now, if that happens, for those individuals—and I would hope the staff is listening to this—who have germane amendments, we can't take up amendments after passage. This is going to pass. We know this is going to pass, but is it going to pass this afternoon or is it going to pass tomorrow morning? If so, we then would not be in a position to do anything if the House has already adjourned.

If this happens, if Members will bring amendments down, we will consider germane amendments. We still have the managers' amendment we will be able to put these in, and so we will consider these. So there is an opportunity for that to take place, and I wouldn't want anyone voting to deny this opportunity to finish this bill and let the House at least look at it, thinking they will not be able to get their amendments in.

We haven't had an opportunity to get amendments in for a long time. I al-

ways hasten to say this because how long has it been now. It has been 6 weeks since we passed this out of our committee and it passed unanimously—every Democrat and every Republican. I have to say the Republicans on the committee I chair are among the most conservative Republicans and the Democrats are among the most liberal Democrats. That is a holdover from when the Democrats had control of the Senate, and the Environment and Public Works Committee was chaired by my colleague, who refers to herself as a very proud progressive, which means liberal, and I am a very proud conservative. So we all have this in common.

Just to have this opportunity to have this up so we can consider it, we would have to move this up and get this vote today instead of tonight. So I am hoping that will still be the case. We are making our case on that. Again, that would allow us to get this done in a way—or at least to let the House look at this and see whether it is an option they may want to pursue. I know several have painted themselves into a corner, but nonetheless we could do this if we can hurry this up.

I know there are other speakers on the floor, so I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I want to compliment the Senator from Oklahoma for his great work on this legislation. He has been a fierce advocate for transportation funding, for doing highway bills on more than a short-term basis. As he has mentioned numerous times, since 2009 we have had 33 short-term extensions—patches, if you will—which make it very difficult to run a highway program.

The Senator from Oklahoma has been, as I said, a fierce and persistent advocate that one of the responsibilities we have around here is to make sure we are building the infrastructure in this country that keeps our economy competitive, that allows people and freight to move in an efficient way and to ensure our economy is strong and vibrant.

I can tell you, as someone who represents a rural State in the middle of the country, the supply chain we have between our highways and bridges, our railroads, our ports, is critically important for us to get our products, the things we raise and grow in South Dakota, to the marketplace. Agriculture is our No. 1 industry. It drives our economy. It is incredibly dependent upon transportation. So a strong, vibrant, robust economy depends upon transportation.

Obviously, we want to have a system that is safe, and that is one of the issues I want to speak to with regard to this bill as well. I appreciate the great work Senator INHOFE and his team, working with Senator BOXER, have done on this bill.

We are going to continue to debate this. I hope we can bring it to a close.

As the Senator from Oklahoma pointed out, if we did that, we would have an opportunity to at least put it before the House and give them a chance to act on it, whether they choose to or not. I would certainly hope the House of Representatives would take a hard look at this bill and consider taking it up and moving it because there has been a lot of work that has gone into it. We have a deadline ahead of us, and if we don't do this, we are going to be stuck with yet another—the 34th—short-term extension, which just kicks the can down the road and makes it more difficult for those who are in the position of having to make decisions about planning and designing our infrastructure in this country to do that.

Obviously, there are a lot of people and a lot of jobs that depend upon the decisions that come out of Washington with regard to this bill. So I, too, encourage our colleagues in the Senate to move as quickly as we can to complete action on the Senate bill and to allow the House of Representatives to take a chance at considering it and perhaps getting this issue resolved and a long-term bill in place.

These bills are nothing new in the Senate. The bill before us today is notable because it is the first Transportation bill, as I mentioned, in almost a decade to provide more than 2 years of funding for our Nation's infrastructure needs. Since 2009, Congress has passed more than 33 short-term funding extensions. That is an average of approximately five funding extensions a year. That is not a good way to manage our Nation's infrastructure and it wastes an incredible amount of money.

Around the country, hundreds of thousands of people and hundreds of thousands of jobs depend on funding contained in transportation bills. When Congress fails to provide the necessary certainty about the way transportation funding is going to be allocated, States and local governments are left without the certainty they need to authorize projects to make long-term plans for transportation infrastructure. That means essential construction projects get deferred, necessary repairs may not get made, and the jobs that depend on transportation are put in jeopardy.

My home State of South Dakota has been forced to defer important construction projects thanks to the lack of funding certainty. No individual or business would start building a house or an office building if it could only promise a contractor 3 months of funding. In the same way, Congress can't expect a State to begin construction of a new bridge or highway without the certainty that their project is going to be fully funded.

The highway bill before us—the DRIVE Act—reauthorizes transportation programs for 6 years and provides 3 years of guaranteed funding. All 3 years of funding have been paid for without raising the gas tax and without adding a dime to the deficit. This bill will give States and local governments the certainty they need to plan

for and commit to key infrastructure projects.

The bill will also help to strengthen our Nation's transportation system by increasing transparency in the allocation of transportation dollars, streamlining the permitting and environmental review processes and cutting redtape.

Mr. President, over the past few years of Democratic control, the public has grown increasingly skeptical of Congress being able to function. When Republicans took the majority in January, we promised the American people we would get the Senate working again, and we have been delivering on that promise.

This Transportation bill is another major legislative achievement and the result of hard work by several committees that put together key provisions to spur important infrastructure investment and safety improvements. Republicans and Democrats alike got to make their voices heard in this process, and the resulting bill is stronger because of it.

As chairman of the Committee on Commerce, Science, and Transportation, I had the opportunity to work on the commerce section of the bill. Our focus was on enhancing the safety of our Nation's cars, trucks, and railroads, and the bill we produced makes key reforms that will enhance transport safety around the country.

Over the past year, the commerce committee has spent a lot of time focused on motor vehicle safety efforts. Last year was a record year for auto problems, with more than 63 million vehicles recalled.

Two of the defects that have spurred recent auto recalls—the faulty General Motors ignition switch and the defective airbag inflators from Takata—are responsible for numerous unnecessary deaths and injuries, at least 8 reported deaths in the case of Takata and more than 100 deaths in the case of General Motors. Indications point to the Takata recalls as being among the largest and most complex set of auto-related recalls in our Nation's history, with more than 30 million cars affected.

Given the seriousness of these recalls, when it came time to draft the highway bill, one of our priorities in the commerce committee was addressing auto safety issues and promoting greater consumer awareness and corporate responsibility. The commerce section of the DRIVE Act now triples the civil penalties the National Highway Traffic Safety Administration can impose on automakers for a series of related safety violations—from a cap of \$35 million to a cap of \$105 million—which should provide a stronger deterrent against auto safety violations such as those that occurred in the case of the faulty ignition switches at General Motors.

Our portion of the bill also improves notification methods to ensure that consumers are made aware of recalls.

In the wake of the recall over the GM ignition switch defect, the inspector general at the Department of Transportation published a scathing report identifying serious lapses of the National Highway Traffic Safety Administration, or NHTSA, the government agency responsible for overseeing safety in our Nation's cars and trucks.

The concerns raised included questions about the agency's ability to properly identify and investigate safety problems—a concern that is further underscored, I might add, by the circumstances surrounding the Takata recalls.

In addition to targeting violations by automakers, our portion of the highway bill also addresses the lapses at the National Highway Traffic Safety Administration identified in the inspector general's report.

In its typical fashion, the Obama administration claimed NHTSA's problems could be solved by simply throwing more money at the agency, but based on the expert testimony from the inspector general, it is clear money alone is not going to solve the problem. We need to ensure that the agency fixes what is broken before we provide a significant increase in funding authorization with taxpayer dollars.

Our bill makes additional funding increases for NHTSA's vehicle safety efforts contingent on that agency's implementation of reforms called for by the inspector general, ensuring that this agency will be in a better position to address vehicle safety problems in the future.

I appreciate that NHTSA's current administration and Administrator have pledged to implement all of these recommendations.

Another big focus of the commerce committee this year has been rail safety. Nearly half of the commerce section of the DRIVE Act is made up of a bipartisan rail safety bill put together by the Republican junior Senator from Mississippi and the Democratic junior Senator from New Jersey. Their work on important rail and Amtrak reform was almost ready for a committee markup at the beginning of May, but after the tragic train derailment in Philadelphia, these two Senators opted to delay the markup and then added even more safety provisions to the bill they crafted.

Their bill, which passed the committee with unanimous support from committee members of both parties, include provisions to strengthen our Nation's rail infrastructure and smooths the way for the implementation of new safety technologies.

Our transportation infrastructure keeps our economy and our Nation going. Our Nation's farmers depend on our rail system to move their crops to the market. Manufacturers rely on our Interstate Highway System to distribute their goods to stores across the United States. All of us—all of us—depend on our Nation's roads and bridges to get around every single day. For too

long, transportation has been the subject of short-term legislation that leaves those responsible for building and for maintaining our Nation's transportation system without the certainty and the predictability they need to keep our roads and highways thriving.

I am proud of the bill we have on the floor before us. I hope we can pass this legislation as soon as possible and work with the House to develop a final bill that will allow us to fund our Nation's transportation priorities on a long-term basis. We can't afford to continue this path we have been on of passing short-term extensions—33 already in the last 5 years, more than 5 a year—and all the uncertainty that comes with that. That jeopardizes jobs across this country that are related to construction of these projects. It jeopardizes the planning and engineering and design work that our departments of transportation across the country do, and it puts at risk all of the transportation infrastructure that moves the freight, that moves people across this country, which our economy depends on.

So I simply want to say that as a Member who represents a rural State, South Dakota—where we have 77,000 square miles, home to 800,000 people—we depend heavily on roads and bridges to get to and from our destinations. We have people who drive long distances to work. We have people who come into our State every single year.

This time of the year we will have a million or so people descend upon a little town in South Dakota called Sturgis, which will be the place where the annual motorcycle rally is hosted. We have people who come by the thousands to our State every single year to visit the Black Hills and Mount Rushmore. We depend upon a good, viable, robust transportation system.

As I mentioned earlier, we are an agricultural economy which drives the jobs in our State that keeps our Main Streets going. That agricultural economy depends upon getting those things we raise and grow to the marketplace. That means good highways, railroads, ports—all the things that are essential to make sure our agricultural producers can get the things they raise and grow to the places and destinations they need to get to.

This is truly important work we are doing. I thank the Senator from Oklahoma for his hard work. I certainly hope we can push this across the finish line soon, so we will be able to present it to the House of Representatives, notwithstanding the statements that have been made there. Perhaps they can look at this body of work and think, as we do, that this gives us an opportunity to put something on the books, the longest term bill we have had literally now in 10 years, and do something important for our economy and for jobs.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first, I appreciate the comments made by the Senator from South Dakota, emphasizing what can't be done on short terms. I think we have been talking about that all morning.

Last week, 100 mayors from across the Nation wrote to the Senate leaders urging for a long-term transportation bill. They said, "If the status quo continues, deficient transportation infrastructure will cost American businesses \$430 billion by 2020."

Then there are the 31 construction and transportation groups that sent a harsh reminder to Congress that "past extensions have not led to a lasting solution to the Highway Trust Fund's repeated revenue shortfalls."

I remember because I have been around here for a while, and I have been through six of these transportation reauthorization bills. In the interim, we always end up with short-term extensions. People don't realize we can't do major projects with short-term extensions.

Now, I hear the argument sometimes that in this one we have a 6-year bill, but we are paying for only 3 years. That is fine. Make the argument. But there is something unique in the transportation system, which is that in the event we get through halfway—even though it is a 6-year bill—and the funds are not available to the existing shortages of what we have added, then all projects stop. Not a penny can be spent. This isn't true anywhere else in our government, and I think people have to realize that if we are going to do it.

When the Senator from Minnesota was talking and showing these very graphic pictures of the bridge that collapsed killing 13 people, that really sends something home. We can't wait until that happens before we do the responsible thing.

I have to remind my conservative friends it is our constitutional duty. When we were sworn into office, we swore to uphold the Constitution of the United States. The Constitution in article I, section 8 tells us what we are supposed to be doing: We are supposed to be defending America, including our bridges and roads. That is what we are supposed to be doing.

There is a way. I hope the people who—unless they just don't want to take care of these big, serious problems and want to continue with the short-term extensions, there is a way we can do this. We will be asking for unanimous consent to go ahead and make a vote on what we are voting on right now and considering. If all time has to expire, it would be 5 a.m. tomorrow on the Inhofe substitute for the bill. That means we then wouldn't get around to having this bill passed until Thursday, and Thursday would be after the House is gone. So it is over. That is it. This would be a very easy thing to do.

Again, I am going to remind people that while we don't have the chance for amendments after this vote takes

place, we can still have the manager's amendment, where I personally will consider every one of the amendments that comes forth. I am hoping that will happen.

That is what we are faced with right now.

Mr. President, I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:35 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

#### HIRE MORE HEROES ACT OF 2015— Continued

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, this Friday, July 31, the authorization for the highway trust fund will expire and the fund itself will be nearly out of money. That means that unless Congress acts, projects in New Hampshire and across the country will grind to an abrupt halt. In the face of this, the House has passed yet another short-term, stopgap bill. The Senate is now debating and amending a long-term highway bill.

My clear preference is for a long-term bill. I think it would be a terrible mistake to pass yet another short-term extension without at the same time taking action on a long-term bill like the Senate is currently doing. Only passing another short-term extension—which would be the 34th since 2008—without taking steps toward a multiyear bill would be kicking the can down the road, and in this case the road is overwhelmed by traffic, badly in need of modernization, and filled with patches and potholes. If you have driven around on the roads in the District of Columbia, sometimes you wonder where you are because they are so bad, so filled with potholes. For a country that seeks to remain competitive in the 21st century, as we do in America, this is totally dysfunctional and destructive.

There are few more basic and necessary functions of government than providing for modernized highways, bridges, and other transportation infrastructure. Yet in Congress we have been grossly neglecting this responsibility. China spends about 9 percent of gross domestic product on infrastructure. Brazil spends about 8 percent. Even in Europe they are spending about 4 percent. But infrastructure spending in the United States has fallen to just 2 percent of GDP.

Our highways and bridges face an \$800 billion backlog of investment needs, including nearly half a trillion dollars in critical repair work. Americans spend a staggering 5.5 billion hours stuck in traffic each year. Yet in early May we saw a budget pass out of this Congress

supported by the majority party that slashed Federal funding for transportation by 40 percent over the next decade.

I am especially concerned about disrepair and decay among our Nation's bridges. That is why I filed an amendment which is a bill I have introduced in previous Congresses called the SAFE Bridges Act. The Federal Highway Administration has identified more than 145,000—145,000—structurally deficient or functionally obsolete bridges. That is more than 20 percent of all the bridges in the United States. In New Hampshire it is actually a higher percentage.

In May, I went with the mayor and city manager of Concord—New Hampshire's State capital—to inspect the rusted-out and now-closed Sewalls Falls Bridge, which is one of the three critical bridges in Concord across the Merrimack River. I worked very hard with the city—our office did—to get necessary approvals from the U.S. Department of Transportation to replace this bridge. In fact, it is a replacement project that started back in 1994. The city of Concord lined up all the permits and approvals—and then nothing. Because of uncertainty about Federal funding for the project, it was stopped dead in its tracks.

My amendment, the SAFE Bridges Act, would authorize an additional \$2 billion annually for the next 3 years to enable States to repair and replace their structurally deficient or functionally obsolete bridges. States would get funding based on their share of deficient bridges nationwide, and the additional funding is fully paid for by closing a corporate tax loophole.

As the Senate continues to debate the Transportation bill, I hope we do get an opportunity to vote on relevant amendments like my SAFE Bridges Act.

The neglect of our transportation infrastructure is creating congestion and gridlock on our roads. It is hurting our economy and our global competitiveness. It is also killing jobs—especially in the construction trades, where employment has yet to recover from the great recession.

According to a Duke University study, providing Federal funding to meet the U.S. Department of Transportation's infrastructure requests would create nearly 2.5 million new jobs. So our investment in this industry, which is one of the slowest recovering from the recession, would create millions of new jobs.

Several months ago, I joined in a bipartisan group of eight Senators who had previously served as Governors—Senators KING, ROUNDS, KAINE, HOEVEN, WARNER, CARPER, MANCHIN, and myself. We sent a letter to our Senate colleagues urging that we commit to fully funding national infrastructure priorities and that we put a stop to the dysfunctional short-term fixes that have become routine in recent years.

I know the Presiding Officer appreciates that it was a visionary Republican President, Dwight Eisenhower, who championed the Interstate Highway System in this country. The National Interstate and Defense Highways Act of 1956—I think it is critical to think about the title of that bill which was not just about commerce, but it was also about defense. It was about the security of our country. It ensured dedicated Federal funding to build a network that today encompasses more than 46,000 miles of roadways. That system has transformed our economy and created countless millions of jobs, but it is now six decades old. Its dedicated funding mechanism, the highway trust fund, is chronically underfunded and just days from becoming insolvent. It is time for Congress to come together on a bipartisan basis to break the cycle of patchwork fixes.

The bill before us is not perfect. There are a number of provisions included that I don't agree with, if I had been writing the bill, but it is a compromise measure, and it was ably negotiated by the leadership of the Environment and Public Works Committee, Senator INHOFE and Senator BOXER, along with numerous others in this body.

We have the opportunity to pass a 6-year authorization bill with 3 years of funding. Yet what is happening in the House today? The House is passing another short-term extension. They are getting ready to leave town. They are not even going to stay and take up the long-term bill that is going to come out of the Senate. They are going to give us another short-term bill that is going to leave States such as New Hampshire up in the air, with thousands of people who are not sure if they are going to have a job next week when the money runs out, who aren't sure what the future is going to hold, companies that can't plan because they don't know if we have a long-term highway funding bill.

It is now time for Congress to pass a fully funded, multiyear highway bill that will allow governments at all levels to plan long-term capital investment projects and to build a 21st-century transportation system that meets the needs of our 21st-century economy.

I hope that we in the Senate will be able to pass this bill and that our House colleagues will recognize they need to stay here and get this work done.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. HOEVEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOEVEN. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### KEYSTONE PIPELINE AND OIL SANCTIONS ON IRAN

Mr. HOEVEN. Mr. President, I am here to speak about energy, both lower cost energy and who is going to supply it.

One might say: Why today? Well, because sources tell me that after almost 7 years, President Obama is going to turn down the Keystone Pipeline project—7 years. This is an application that was filed by the TransCanada company in September 2008. So here we are in year 6, and in September it will be 7 years that the application has been pending. The administration has still not made a decision—defeat through delay. So the question is, Why then is he going to turn down the project now? It is because he will wait until Congress is out of session in August. Then he will turn down the project while Congress is not in session to have less pushback, less criticism, of his decision if he makes it under the radar. That timing is understandable because he is making a political decision rather than a decision based on the merits.

As we know, Congress overwhelmingly supports the project. The House overwhelmingly passed approval of the Keystone Pipeline project. In the Senate, we had 62 votes in favor of the measure. We were actually missing some of our Members or we would have had 63, but there was strong overwhelming bipartisan support in both the House and the Senate. We sent the bill to the President and he vetoed it, but he still has not made a decision. He vetoed it saying it was up to him to make a decision, not the Congress. Congress went on record overwhelmingly in support of the project. Congress approved the project, but he vetoed the bill.

It is the President's decision to make. Now we hear he is going to make it and turn down the project, but the Congress overwhelmingly supports it. The States on the Keystone Pipeline route overwhelmingly support it. There are six States on the route and every single State has approved the project: Montana, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. They all approved the project. Congress supports it, the States support it, but most importantly the American people support it. In poll after poll, the American people have overwhelmingly shown support for the project—65 to 70 percent—strong, overwhelming support for the project.

Why do they support it? This is what it is all about: the merits of the project. They support it on the merits because it means more energy for this country that is produced in this country, in Canada, in my home State of North Dakota, and in Montana. There are 830,000 barrels of oil a day produced in Canada and the United States that can be refined in our refineries and can be used right here, rather than getting

it from some other country such as OPEC, Russia, Venezuela, you name it. It is energy we produce here at home. First and foremost, Americans support it because they want our energy produced at home. They want us to be energy secure. It is about jobs. It is about jobs.

This is a multibillion-dollar investment that creates good construction jobs. It is about economic growth, growing our economy here at home, working with our closest friend and ally, Canada. It is also about national security through energy security—not having to depend on the Middle East or OPEC for our energy. It doesn't cost the Federal Government a penny—not a penny. This is, as I say, a multibillion-dollar project that is completely built with private investment that would generate hundreds of millions of dollars in local, State, and Federal tax revenue. It would not cost the Federal Government one penny, generating hundreds of millions of dollars in cash revenues at the local, State, and Federal levels.

But maybe the greatest irony of all is this: At the same time the President is making it harder to produce energy here at home in our country and get energy from our closest friend and ally Canada, he wants to make it easier to produce oil in Iran. Think about that. Right now the President is pressing Congress to approve an agreement with Iran that would remove the sanctions on oil production and exports in Iran. Under the proposed agreement that the President has submitted to this Congress, he includes releasing the U.S. sanctions put in place by Congress that limit and restrict Iran's ability to produce and export oil. These include energy sanctions that limit Iran's sale of crude oil, which was specifically passed by Congress. Also, he wants to remove the sanctions on investment in Iran's oil, gas, petrochemical, and automotive sectors—again, sanctions passed by Congress. He wants to remove sanctions on the energy sector equipment and gasoline sanctions that were passed by Congress. In essence, what the President is doing is allowing Iran to export its oil, he is allowing investment to help them produce more oil, and he is allowing the export to Iran of technology that will help them produce more oil and gas. At the same time, by turning down Keystone, the President is making it harder for us to produce and transport oil and gas in our country and work with our strongest ally, Canada. So what is the net effect of that? The net effect of that is it helps put OPEC back in the driver's seat.

If you don't believe me, let's just take a look at the numbers. The numbers don't lie. Prior to 2012, before we put the Kirk-Menendez congressional sanctions in place as part of the National Defense Authorization Act at the end of 2011, during that year, at that time in 2011, Iran was producing 2.6 million barrels of oil a day. By 2013,

after the Kirk-Menendez sanctions had been in effect, Iran was down to exporting only 1.1 million barrels a day. Iran had gone from 2.6 million barrels a day down to 1.1 million barrels a day of oil they were producing, exporting, and getting paid for. We cut that by more than half.

My State of North Dakota alone produces 1.2 million barrels a day. That is more than Iran is exporting right now, but if all these sanctions come off, Iran gets to go back up to that 2.6 million and beyond. One million barrels at \$50 a barrel is \$50 million a day. One can see this means hundreds of millions and billions of dollars to Iran. This is certainly something to think about, going from 2.6 million barrels a day and having put sanctions in place, knocking it down to 1.1 million barrels—and that is with exceptions the President has allowed to the sanctions. That is without the sanctions being fully implemented. It shows that the sanctions are very effective. It also shows that if we release them, Iran will get incredible amounts of money—not only dollars that have been held from them, but dollars they are going to generate every day from increased oil production.

So the President wants us to relieve these sanctions at the same time he, in essence, impedes our oil and our growth in energy development in this country.

The simple question I have is, How does that make sense? How does that make sense? How do we get into a situation where we are enabling Iran to produce more oil, but the U.S. produces less? That makes no sense, but that is the impact of the President's decision.

The President will make an argument that is based on environmental factors. He will say he is making that decision for environmental reasons. He doesn't want the oil produced in Canada. He usually just doesn't talk about the light sweet crude that is produced in the Bakken area of North Dakota and Montana, which is the lightest, sweetest crude I know of. He tries to make the argument that he doesn't like oil that is produced in Canada for environmental reasons.

Remember I said this has been pending now for almost 7 years. We are in year 6. In the President's own Department of State, the environmental impact statement says the Keystone will have no significant environmental impact. It will be interesting to see when Congress is out of session—in August when the President turns this down, trying to get under the radar—what he has to say about how he is going to address the State Department's clear environmental impact statement, finding no significant environmental impact, but we will see what it is. At the same time, the President will work to convince Americans that all sanctions should be lifted from Iran so they can produce more oil and bring more money into their country.

There is an old saying. Essentially it goes like this: Those who fail to heed

the lessons of history are destined to repeat them. President Obama is not breaking our dependence on foreign oil, he is reinstating it. The President is not strengthening our energy future, he is weakening it, and I urge him to reconsider.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LANKFORD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### OBAMACARE

Mr. BARRASSO. Mr. President, every day it seems as though Americans are hearing more and more news about how badly ObamaCare is failing. Some of the latest headlines have had to do with just how expensive health insurance is going to be next year under the President's health care law. The price increases that are being reported are truly staggering. Insurance companies are planning to raise rates 20 percent, 30 percent, even 40 percent on some of their plans, and they say it is because of the health care law.

The New York Times had an article just a couple of weeks ago. It quoted one lead advocate in the State of Oregon saying specifically that some people may "start wondering if insurance is affordable, or if it's worth the money."

Well, a lot of Americans have been wondering if the entire health care law is actually worth the money. Now, some Democrats have said that these outrageous price increases will not affect everyone. Well, they sure affect a lot of people. You know, my colleagues on the other side of the aisle say that the increases will not be as large as they are going to be, if you are willing to switch plans every year or if you accept less access to doctors or even less access to medications.

Well, the argument makes the same mistake that President Obama made from the beginning about the health care law, and it confuses coverage with actual care. In Connecticut, some insurance companies say they have come up with ways to slow down the increase in their premiums. What they are doing is they are actually cutting access to care. One company decided that it could save some money by reducing the use of specialty drugs. So some people who have this insurance may not be getting the drugs they used to get.

Another company in Connecticut decided that it could charge a little less by limiting the number of doctors that the patients could see. Instead of raising rates by 12.5 percent next year as

they had planned, they said the company will now just be raising rates 11.5 percent. That is the kind of situation that hard-working families are facing—higher premiums, less access to care.

These narrow networks of hospitals and doctors are not just hurting people in Connecticut. They are turning up in ObamaCare plans all across the country. There was a study that came out this month. It found that plans offered through ObamaCare insurance exchanges across the country covered 34 percent fewer doctors than the average plan sold outside the exchanges.

Now, it is even worse for some specialists. According to the report, exchange plans include 42 percent fewer oncology and cardiac specialists. That is cancer doctors. That is heart doctors. So if you have cancer or if you have a heart condition, there is a much lower chance that your doctor is covered by your ObamaCare insurance.

People are paying outrageously high premiums, copays, and deductibles, and they are left with insurance coverage that may not cover their care. So a lot of people have decided they just cannot afford the Affordable Care Act. They would rather pay a tax penalty to the IRS than spend hard-earned money on this limited and expensive ObamaCare insurance. According to the IRS, last year 7.5 million hard-working taxpayers paid that tax penalty. That is 1 out of 17 taxpayers. Another 12 million people could not afford ObamaCare insurance or did not want it, and they filed a form saying they should not have to pay the penalty at all because it was unaffordable. There were only 6 million people who actually signed up for ObamaCare exchange plans last year. Almost 20 million people rejected ObamaCare because it was too expensive and it was not right for them and their families.

Now, President Obama has said repeatedly that the health care law is working—he said even better than he expected. Is this what he is talking about—even better than he expected? More Americans are rejecting ObamaCare than are signing up for it on the Federal exchange. Is that better than the President expected? Does President Obama think that the Federal insurance exchange is working better than he expected?

There were headlines about this recently as well and how Washington has failed to protect taxpayer dollars. The Government Accountability Office set up a test of healthcare.gov, the President's Web site, the one that failed so miserably. What they did is they created 12 fraudulent applications in order to see if they could actually get health insurance subsidies using fraudulent applications, and 11 of those 12 phony applications were approved last year. Now, here we are a year later. It turns out that the Washington bureaucrats—you cannot believe it—reviewed these policies and renewed the taxpayer-funded subsidies for all 11 of these phony applicants. Some of them even

got higher subsidies this year than they did last year.

So what does the Government Accountability Office say about it? Well, the chief investigator looked at it. He said: There still appears to be no system in place—no system in place—to catch missing or fabricated documentation. It is incredible and it is disturbing, and it is no surprise that taxpayers are offended.

Finally, we are also seeing more news about one of the taxes that the Democrats included in their health care law. There was a headline in the New York Times last Wednesday: “Concern Grows on Health Tax.” That was on Wednesday, July 22, first page of the business section. “Concern Grows on Health Tax.” Now, this is about the new 40-percent tax on so-called Cadillac health insurance plans. These are the plans that employers offer to their workers. These are the plans that Washington says are too generous.

The article tells the story of Kurt Gallow, who works at a paper mill in Longview, WA. When you follow over, it says: Concern grows over excise tax’s effect on health care plans. There are a number of people working and talking at this location in Longview, WA. But the story of Kurt is also about his wife, Brenda. She has diabetes. The article says that Kurt and Brenda are “worrying about his company’s proposed new health care plan, which would require workers to pay as much as \$6,000 toward their family’s medical bills.”

Now, that is a huge amount of money for anyone. But it is a huge amount of money for some of these very hard-working families. Now, these are changes that their employer has to make because of the President’s health care law. You know what. This is not even an ObamaCare plan. This is not something they are buying through the exchange. These are people who get their insurance through work. Now, President Obama said that if you get your insurance through your job, “nothing in this plan will require you or your employer to change the coverage or the doctor you have.”

Well, millions of Americans across the country are finding out that was just one more expensive broken promise made by the President. ObamaCare continues to be a complicated and costly mess. Republicans have offered good ideas about how to lower health care costs, how to improve access, and how to help Americans lead healthier lives. We all have ideas that will get rid of some of the ridiculous Washington-imposed mandates that are driving up costs and forcing so many Americans to go without insurance and certainly without care.

Six years ago, the American people were unhappy with health care in this country. They did not think the solution was higher prices, less access to care, and higher taxes as well. The American people are not satisfied with these constant headlines about all of the problems with the President’s health care law.

Congress should not be satisfied with the current state of health care in this country either or with the disastrous side effects of the President’s health care law. It is time for the President to admit the health care law is causing pain and problems all across the country. It is time to start anew, to give people the care they need from a doctor they choose at lower costs.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, we all know the Chamber is engaged in the passage of a multiyear highway bill—not just highways, but this deals with mass transit, transportation infrastructure in general. To me, the most important thing about what we are doing is the fact we are not going to do another temporary patch—which we have done, I am told, 33 times—but we actually are going to pass a 3-year highway bill.

To me, the best news, I would say to the Presiding Officer, is now it looks as if we have the House thoroughly engaged, so it is not just a question of this bill or nothing. Perhaps, if experience is any guide, we can come up with something even better by collaborating with our House colleagues.

I wanted to come to the floor and talk a little bit about the impact of this bill on my State, the State of Texas, because we are a fast-growing State. We have about 27 million people there now. People are moving from around the country to Texas because our economy is growing. Last year, our economy grew at the rate of 5.2 percent. To compare that to the Nation, last year the Nation’s economy grew at 2.2 percent. What does that mean? That means there are a lot more jobs and a lot more opportunities, so people are literally voting with their feet, leaving the States where there are limited opportunities and coming to States such as Texas where there are more opportunities. But that means more congestion, more traffic, and more challenges when it comes to our roadways, our rural freight routes, and it means challenges for our economy.

Many States, of course, would be delighted to have the problems we are having because, frankly, people are moving away from many States, not to many States. I know the Presiding Officer’s State of Oklahoma is experiencing economic growth and job growth too because we share a common interest and sector of our economy, the energy economy, which the rest of the country would do well to learn from the examples in Oklahoma and Texas as part of our economic success story.

As others have mentioned, one of the chief reasons this bill has so much en-

thusiasm behind it is because it gives freedom and flexibility to the States to plan for infrastructure needs in the future. It perhaps should go without saying, but a 6-month patch, if we were to kick this over until December, doesn’t give anybody any certainty to plan these long-term infrastructure projects which take literally not months but years.

As I said, for a State such as Texas that is growing rapidly—by some estimates 600 people a day are moving to the State—improving our roadways and bridges is vitally important for the continued growth of our economy and increased prosperity for our people, and we have the practical challenge of handling a growing number of cars and trucks on our roads. One way this bill gives added freedom and flexibility to the States is through a provision that would help Texas and other border States meet their growing infrastructure needs, particularly at the southern border, with improvements that are not only necessary to get us and goods from point A to point B, but to keep us safe as well.

Frequently, when we talk about the border, we talk about border security. That is a very important consideration and, frankly, we have not committed the Federal resources we should to border security to make sure we know who is coming into the country and why they are here. Of course, we know that recently, even in the news, people have continued to penetrate our border, even those with criminal records, causing havoc and, indeed, committing crimes against innocent people such as occurred recently in the terrible incident that happened in San Francisco.

Our border, border infrastructure, and border security are the front lines of our defense, to keep our people safe, to regulate who comes into the country, and to make sure that only legitimate people can enter.

The question is—as one law professor recently testified before the Senate Judiciary Committee, when it comes to immigration, there is really only one question: Are you going to have controlled immigration or uncontrolled immigration? It is basically that simple.

I am on the floor to talk about transportation and the importance of this bill in terms of the border infrastructure when it comes to trade and commerce, but as I mentioned, it also is an important frontline when it comes to the safety and security of the American people.

We are fortunate in Texas to be the top exporting State in the Nation. That is one of the reasons our economy has grown faster than the rest of the country. The agricultural products that are grown there, the livestock that is raised, and the manufactured goods that are made are exported to markets all around the world, which creates good jobs, well-paying jobs at home.



It also takes good infrastructure to move more than \$100 billion in exported goods from Texas to Mexico each year, supporting hundreds of thousands of jobs in Texas alone. It is estimated, when you look at the Nation as a whole, that binational trade between Mexico and the United States supports as many as 6 million American jobs. That is something we frequently overlook when we talk about our relationship with our neighbor south of the border and immigration, and that is there are many benefits to legal trade, traffic, controlled legal immigration, and, indeed, as I mentioned, \$100 billion of exported goods from Texas to Mexico each year supporting hundreds of thousands of jobs.

In this bill, by allowing Texas and other border States more flexibility in long-term planning of border projects, consumers and workers can benefit as goods are shipped more efficiently back and forth. Our border infrastructure is essential to moving massive amounts of trade, which travel through our ports of entry every day. For Texas and the United States to remain competitive, the border region must have the quality infrastructure to truck, train, and ship billions of dollars' worth of goods efficiently and safely.

Doing nothing to invest in transportation at the border is not a viable option. A recent report from the Texas State Legislature found that \$116 million in U.S. economic output is lost or forfeited every single minute. The trucks sit idle at the border with Mexico. They are literally frozen in place because they are bottlenecked because of archaic, antiquated infrastructure and lack of appropriate staffing at the border.

Infrastructure on the border also plays another important role, preventing things such as illicit drugs and merchandise from entering the country. In many respects, as I said, our border crossings, the technology employed there, and the professionals who work there—they are the first line of defense against bad actors who want to get into the country illegally or get contraband goods through our ports.

In Texas, better roads and bridges at the border region mean better economic opportunity and quality of life for our growing border communities. Fortunately, the border infrastructure provision in this highway bill would give the Governor in Texas and all other border States the freedom to assess the biggest transportation problems facing those States and would also provide essential tools to address them.

By dedicating funds to invest in border infrastructure projects at the discretion of State Governors, we can make sure our States have the resources they need to enhance trade and travel and to keep us safe at the same time.

This is not, of course, a new notion. Throughout my time in the Senate, I have worked with folks in Texas and

elsewhere, people on both sides of the aisle and on both ends of the Capitol, to try to find ways to facilitate greater levels of legitimate commerce and travel at our Nation's ports of entry and throughout the border region.

I am thankful for making this progress in this legislation. I commend my Texas colleagues—Congressmen WILL HURD and HENRY CUELLAR, among others—for working with us and for introducing similar legislation on border infrastructure in their Chamber. Hopefully, as we now move from a Senate bill to a House bill that can then be reconciled in a conference committee, these important improvements will be retained and be part of a conference report.

The bottom line is that quality infrastructure and making sure our border is safe and effective is a bipartisan, bicameral issue, and one that clearly unites people in my State and across the border region of our southern States.

I am thankful to see this provision included, and I hope it gets passed soon to give our States the opportunity to dedicate even more necessary resources to the border.

This provision is an important example of the overall theme of this bill, giving the States a reliable way forward to plan for their long-term infrastructure needs. More than anything else, I believe this legislation is an investment in our future and the next generation.

I thank all of our colleagues for working with us to get this bill moving forward. We have an important vote tomorrow morning, and then we have another final passage vote, I believe, on Thursday. In the meantime, the House is going to send us a 3-month bill, which will give us the necessary time for the House then to consider their own transportation bill and then to get us to a conference where we can reconcile the differences.

As the Presiding Officer and I have discussed before in the past, if that is any indication, that will give us even greater ability to influence the ultimate outcome in a way that improves this product in a bicameral and bipartisan sort of way.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PLANNED PARENTHOOD

Mr. COATS. Mr. President, in recent weeks, the American people have learned the shocking story of the barbaric practices Planned Parenthood uses to terminate life and to harvest organs of innocent human life. In a video released earlier this month that has gone viral—as it should have—the

senior director of medical research at Planned Parenthood explained the process by which she harvests aborted body parts to be provided for medical research. I quote her:

We've been very good at getting heart, lung, liver, because we know that, so I'm not gonna crush that part, I'm gonna basically crush below, I'm gonna crush above, and I'm gonna to see if I can get it all intact.

Additional videos have been released—I am told more are to come—with Planned Parenthood officials discussing the organ harvesting of fetuses. Unborn children. Beating hearts on the sonogram, on the screen. Human beings.

Despite the stunning impact and outrage of millions of Americans, Planned Parenthood's response to the release of these videos is this: Blame the messenger or the videographer, but let's not address the practice of harvesting aborted body parts.

Ross Douthat writes for the *New York Times*. I urge every Senator to read his July 25, 2015, column, entitled "Looking Away From Abortion."

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the *New York Times*, July 25, 2015]

#### LOOKING AWAY FROM ABORTION

(By Ross Douthat)

In an essay in his 1976 collection, "Mortal Lessons," the physician Richard Selzer describes a strange suburban scene. People go outside in the morning in his neighborhood, after the garbage trucks have passed, and find "a foreignness upon the pavement," a softness underfoot.

Looking down, Selzer first thinks he sees oversize baby birds, then rubber baby dolls, until the realization comes that the street is littered with the tiny, naked, all-too-human bodies of aborted fetuses.

Later, the local hospital director speaks to Selzer, trying to impose order on the grisly scene. It was an accident, of course: The tiny corpses were accidentally "mixed up with the other debris" instead of being incinerated or interred. "It is not an everyday occurrence. Once in a lifetime, he says."

And Selzer tries to nod along: "Now you see. It is orderly. It is sensible. The world is not mad. This is still a civilized society . . . "But just this once, you know it isn't. You saw, and you know."

Resolute abortion rights supporters would dismiss that claim of knowledge. Death and viscera are never pretty, they would say, but something can be disgusting without being barbaric. Just because it's awful to discover fetuses underfoot doesn't mean the unborn have a right to life.

And it's precisely this argument that's been marshaled lately in response to a new reminder of the fleshly realities of abortion: The conversations, videotaped covertly by pro-life activists posing as fetal organ buyers, in which officials from Planned Parenthood cheerfully discuss the procedures for extracting those organs intact during an abortion and the prices they command.

It may be disturbing to hear those procedures described: ". . . we've been very good at getting heart, lung, liver, because we know that, so I'm not gonna crush that part, I'm gonna basically crush below, I'm gonna crush above, and I'm gonna see if I can get it all intact."

It may be unseemly to hear a Planned Parenthood official haggle over pricing for those organs: "Let me just figure out what others are getting, and if this is in the ballpark, then it's fine, if it's still low, then we can bump it up. I want a Lamborghini."

But in the end, Planned Parenthood's defenders insist, listening to an abortionist discuss manipulating the "calvarium" (that is, the dying fetus's skull) so that it emerges research-ready from the womb is fundamentally no different than listening to a doctor discuss heart surgery or organ transplants. It's unsettling, yes, but just because it's gross doesn't prove it's wrong.

Which is true, but in this case not really true enough. Because real knowledge isn't purely theoretical; it's the fruit of experience, recognition, imagination, life itself.

And the problem these videos create for Planned Parenthood isn't just a generalized queasiness at surgery and blood.

It's a very specific disgust, informed by reason and experience—the reasoning that notes that it's precisely a fetus's humanity that makes its organs valuable, and the experience of recognizing one's own children, on the ultrasound monitor and after, as something more than just "products of conception" or tissue for the knife.

That's why Planned Parenthood's apologists have fallen back on complaints about "deceptive editing" (though full videos were released in both cases), or else simply asked people to look away. And it's why many of my colleagues in the press seem uncomfortable reporting on the actual content of the videos.

Because dwelling on that content gets you uncomfortably close to Selzer's tipping point—that moment when you start pondering the possibility that an institution at the heart of respectable liberal society is dedicated to a practice that deserves to be called barbarism.

That's a hard thing to accept. It's part of why so many people hover in the conflicted borderlands of the pro-choice side. They don't like abortion, they think its critics have a point . . . but to actively join our side would require passing too comprehensive a judgment on their coalition, their country, their friends, their very selves.

This reluctance is a human universal. It's why white Southerners long preferred Lost Cause mythology to slaveholding realities. It's why patriotic Americans rarely want to dwell too long on My Lai or Manzanar or Nagasaki. It's why, like many conservatives, I was loath to engage with the reality of torture in Bush-era interrogation programs.

But the reluctance to look closely doesn't change the truth of what there is to see. Those were dead human beings on Richard Selzer's street 40 years ago, and these are dead human beings being discussed on video today: Human beings that the nice, idealistic medical personnel at Planned Parenthood have spent their careers crushing, evacuating, and carving up for parts.

The pro-life sting was sweeping; there are reportedly 10 videos to go. You can turn away. But there will be plenty of chances to look, to see, to know.

Mr. COATS. I will share a couple of excerpts from his piece.

Writing in the New York Times, Ross Douthat says:

And the problem these videos create for Planned Parenthood isn't just a generalized queasiness at surgery and blood. It's a very specific disgust, informed by reason and experience—the reasoning that notes that it's precisely a fetus's humanity that makes its organs valuable, and the experience of recognizing one's own children, on the ultrasound monitor and after, as something more than

just "products of conception" or tissue for the knife.

For those who defend the role of Planned Parenthood, Douthat writes that reflecting on the content of these videos "gets you uncomfortably close to . . . that moment when you start pondering the possibility that an institution at the heart of respectable liberal society is dedicated to a practice that deserves to be called barbarism."

I wish to repeat that again. He writes about the barbarity of what has taken place here and the videos of the response of Planned Parenthood—the description of what actually is happening to a child on the way to birth, seen in the ultrasound, hearing the beating of the heart, and then talking about the methods used so that certain parts of that body are not crushed and so that other parts of the body can be harvested for other purposes and sold—sold for money. That this is part of what Planned Parenthood is all about is just stunning.

Douthat said that even though people want to ignore it, even though they want to talk about it and blame the videographer—that he took things out of context—how can you take what is said and happened out of context and provide any rationale or justification for what is being done?

He said: But surely that is the moment when you start to ponder the possibility that an institution at the heart of respectable liberal society is actually dedicated to a practice that deserves to be called barbarism. That is a hard thing to accept, he said.

But, as difficult as that is, Douthat states that we must acknowledge that what is being discussed in these videos is human beings, and the nice, idealistic medical personnel at Planned Parenthood have spent their careers crushing, evacuating, and carving up that human life for parts to be sold on the market.

It is important that this body let Planned Parenthood know the American people do not support these inhumane practices. Congress should debate this issue. It should vote. It should vote soon. It should not leave here for our August recess until we send a clear message to Planned Parenthood that this is totally unacceptable, that the taxpayers of America will not fund with 1 cent of their tax dollars this barbaric practice, provided through an agency that pretends to be offering sound health care advice to pregnant mothers. Every Senator should have the opportunity to affirm that life is sacred and a precious gift, and it must be protected.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUPREME COURT DECISIONS

Mr. GRASSLEY. Mr. President, I come to the floor to give my analysis of the last year of Supreme Court decisions. There is a misconception that our Supreme Court is conservative, but in the term that just ended, the Supreme Court upheld a key provision of ObamaCare. It read the plain language of that ObamaCare statute that provided that health insurance subsidies apply only to exchanges established by the States and said that they are available on exchanges created by the Federal Government.

It ruled that fair housing discrimination cases can be brought even where there is no intent to discriminate. A harmful impact, then, is enough to bring a case.

It found that same-sex marriages are constitutionally required.

It expanded the reach of the Pregnancy Discrimination Act and made it easier to win cases under that law.

The Court decided that racial gerrymandering cases under section 5 of the Voting Rights Act must consider the effect on individual districts regardless of minority voting in the State as a whole. The Court said as well that in those cases, courts must look beyond the numbers when deciding whether minority voters have been packed into districts to dilute their influence on elections.

In fact, the Court reflected a very liberal bent in the last term. More worrisome, its liberalism derives not from the Constitution but the policy preferences of the Justices. Application of longstanding political science models shows that this year's Supreme Court rulings were the most liberal since the Warren Court years of the 1960s. As a UCLA professor stated, "Shockingly, the Supreme Court may have been more liberal than the Obama Administration this term."

The liberal Justices and the conservative Justices on the Supreme Court judge differently, and that is what I want to show to my colleagues. The conservative Justices acted as umpires, for the most part. They considered the facts and the law and decided the cases as they understood the Constitution. The liberal Justices prevailed so frequently because Justice Kennedy, Chief Justice Roberts, and—at least one time—Justice Thomas each voted with the liberals in at least two close, significant cases. As a University of Michigan professor commented, "The chief justice really does take restraint seriously. At times, that is going to put a justice in contraposition to what his ideological preferences might be."

By contrast, looking at the other end of the spectrum, there are no close cases in which even a single liberal Justice voted with conservative Justices to make a majority. Only two of the major cases were decided 5 to 4 in a conservative direction.

The New York Times identified the 10 most important cases of the term. The Washington Post selected 13 cases.

Whichever list is consulted, liberal results predominated. In each of the cases, the four liberal Justices voted as a bloc for a—as you might expect—liberal result. I want to show why this isn't a coincidence. The liberal Justices act like players on the same team. Liberal Justices have actually admitted that they strategize in advance to vote as a bloc in support of liberal outcomes. Justice Ginsburg stated this last year: "We have made a concerted effort to speak with one voice in important cases." I fear that this attitude and the votes of these Justices give rise to an appearance that their loyalties are to each other and to their preferred principles and policies rather than to the Constitution. Certainly, it is easier to make cases come out the way you want than to carefully consider the facts, precedent, text, and the arguments of the parties before reaching a decision that might run counter to your preferred outcome. And for those Justices, it is easier to do so if you know you have four votes in your pocket before you begin the task.

We accept the important role the Supreme Court plays in our constitutional system. The Constitution trumps the inconsistent policy choices of the American people enacted through their elected representatives. That is what we call the rule of law. But when Justices strike down laws based not on the Constitution but on their own policy preferences, that is the rule of judges. The Court in that instance acts as a superlegislature. Those rulings should, therefore, be questioned. At my town meeting Saturday in Iowa, they were being questioned. The Justices' personal policy views are entitled to no more respect than the policy views of the American people.

When Supreme Court nominees come before the Judiciary Committee for confirmation, they know better than to say they will enforce their own views. They don't say the Constitution is a living document with a meaning that changes over time. They know they wouldn't be confirmed if that is what they said. Instead, they say the text controls or if the text is unclear, the structure and the original intent of the Founders govern. They say constitutional interpretation is not about politics or good policy; they tell us it is "law all the way down." But when they get on the bench, all bets seem to be off.

For instance, the text of the Constitution allows the government to deprive people of life if due process of law is provided. It makes references to capital—or death penalty—cases. It is therefore clear that the death penalty is constitutional. There may be some valid questions on when the death penalty would be legal. Nonetheless, last month Justice Breyer and another Justice wrote that they think it is very likely that the death penalty is unconstitutional in all cases—in other words, just throw out the words of the Constitution. That ought to be extremely

disturbing to all of us. It is essentially a revival of the Warren Court, where the Justices' personal views trump the Constitution.

The Court also ruled this year on same-sex marriage. I support traditional marriage, as a sizable percentage of the American people still do. However, I do respect people of different views. The Constitution says nothing about whether same-sex marriage is required. That is for the people to decide through the democratic process. When the Supreme Court ruled otherwise, that prompted a significant portion of the populace to believe that the Justices were reading their own view into the Constitution. The decision was based on a doctrine called "substantive due process." Substantive due process is really nothing more than an open invitation to Justices to read their own policy views into the Constitution.

This year, the Court ruled that the word "liberty" includes the right to define and express identity, individual autonomy, and dignity. Where do you find those words in the Constitution? In the past, the Court had narrowly construed substantive due process to protect only those rights established in light of objective history and their deep roots in society. The majority effectively then overturned those rules.

The Court now thinks the meaning of the clause does not turn on the text or the intentions of the Framers. Rather, the Court ruled that the meaning of due process changes as "we"—the Justices—apply, as they would say, "new insight" that derives from, in their words, a "better informed understanding of how constitutional imperatives define a liberty that remains urgent in our own era."

In the view of the slim majority, the role of the Court is to make, in their words, "new dimensions of freedom . . . apparent to new generations."

This is the language of the doctrine of the living Constitution. It is the Justices, then, amending the Constitution without Congress and the States voting to do so. It is another Earl Warren deciding cases by asking what is just and what is fair, and that is in his mind and not what the Constitution and the laws require.

It is not law at all, never mind "law all the way down."

While the decision permits those who hold the traditional view of marriage to discuss their views, it said nothing about the real constitutional right to freely exercise religion—with the emphasis upon "exercise."

Another of the Court's liberal decisions gave short shrift to another right protected by the Constitution: free speech. That decision treated as government speech what is actually private speech. It is an important distinction in the real world. Government must treat private speech neutrally. It cannot play favorites, but the government can discriminate against viewpoints it does not like when the speech is the government's speech. It can fund speech that discourages use of illegal

drugs, for instance, without funding speech that encourages drug use.

As a result of the First Amendment ruling, the government may be able to deny many kinds of government benefits to those who dare to express views with which the government disagrees. This then would be an ominous development for everyone.

Specifically, the government may be able to deny tax exemptions and charitable deductions based on the free expression of the groups involved. That would make a scandal such as the IRS's denial of tax-exempt status to organizations based on their presumptive conservative policy stands constitutionally permissible.

Substantive due process has been used for the last 50 years only to invent new liberal constitutional rights. Conservatives have not used substantive due process to invent new conservative constitutional rights. In creating new such rights, liberal Justices never are hesitant to overturn conservative precedents, but those same Justices consider the liberal substantive due process precedents to be sacrosanct under stare decisis. In other words, they are effectively saying "what is mine is mine and what is yours is negotiable."

Conservatives issue legal rulings that produce liberal policy effects, but liberal Justices will not issue legal rulings that are conservative. So as I am trying to show to my colleagues, each side plays by different rules.

Is it any wonder that so many people in this country think the game is not on the level? A recent CNN poll—a media organization that no one would say is rightwing—found that 37 percent of those surveyed think the Court is too liberal. Only 20 percent characterized it as being too conservative. I am concerned about how that backlash could manifest itself.

Even if Justices abuse their power of judicial review by substituting their policy views for the Constitution, we need judicial independence to safeguard the actual Constitution. We should not do anything to undermine judicial independence, but if the Court does not give the public the confidence that the meaning of "liberty" in the due process clause means something other than the policy preferences of five Justices, the consequences could be serious for our constitutional order.

The Supreme Court, similar to a river flooding its banks, is not staying within its proper channel. I strongly encourage all Justices of the Court to exercise the self-restraint the Constitution demands and that its Framers anticipated.

Ultimately, that will be the only way the courts will retain their necessary powers to preserve the Constitution.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. AYOTTE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, while I would normally be coming down at this time to talk about the Transportation reauthorization bill, which is one of the most significant bills we will be considering—there are problems right now in getting it done before the House leaves, but we are going to make every effort to have it done by the end of this week. I think that is very important because, for all of the reasons we talked about, we can't continue to do part-time extensions that don't allow us to get to any of the real problems we have. However, that is not why I came to the floor this afternoon. I am here this afternoon to speak on a different topic.

(The remarks of Mr. INHOFE pertaining to the introduction of S. 1877 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. INHOFE. Madam President, I ask unanimous consent that Senators MCCAIN and ROUNDS be added as co-sponsors to the S. 1877.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, right now we are in kind of a waiting period. We have made a request. It seems that request is being denied because it takes unanimous consent to come up with language that will allow us to waive time.

The time that is pending right now on the Inhofe amendment will not expire for 30 hours. Precloture will not expire until 5 a.m. tomorrow, so it looks like that will make it too late to get our bill passed prior to the time the House goes home.

This could always change. I think a lot of people are taking this position because they didn't think we would be able to pass the bill. I think we are going to pass it. I think we can pass it very likely on Thursday, and so even if the House is gone, we will be preparing to go in and handle that bill when we all come back after the recess.

I just want to mention this because I think it is very important for people to understand that we are going to be using this. We have gone through a lot of work on the bill.

The highway reauthorization bill was passed unanimously out of the committee I chaired, the Environment and Public Works Committee. Every Republican and Democrat voted for it. So it is one of the few bipartisan efforts to take place in a body that is often criticized for not getting anything done. This will be a major bill. It will become a reality.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Madam President, thank you. To the chair of the committee, congratulations, Mr. INHOFE,

on the progress made so far with regard to the highway bill, indicating that we will pass something on Thursday and send it over to the House. It is important we address this issue. It is important we put people back to work. We have crumbling roads and bridges.

I hope everybody in this Chamber agrees that we need a highway bill and, specifically, we need one as long-term as possible in order to give people predictability and certainty to be able to plan projects and to be able to deal with what is an increasing problem in our country, which is a lack of funds in infrastructure.

I hear it back home in Ohio. What I am hearing is: Give us certainty. Let us know what the plan is. Congress, in doing these short-term extensions, is not creating a plan.

If we end up with a short-term extension because the House and Senate can't agree, then I hope we will make a commitment when we do that to say: OK. After whatever that short-term period is—I have heard the rumor of 3 months—that at that point we will come up with a long-term proposal together.

I happen to think one way we could find a longer term proposal is to have international tax reform. We should do it anyway. We should do it whether or not the highway trust fund is connected to it. There are ways to reform the Tax Code so companies that are overseas, that have revenues overseas, that won't bring them back now because our tax rates are so high might be willing to bring them back at a lower rate. If they bring those funds back and are taxed on those funds, there might be an opportunity to provide some funding for long-term solutions to the highway trust fund, perhaps in conjunction with some of the other pay-fors that are part of the bill we are talking about. International tax reform is necessary in and of itself. I didn't come to the floor to talk about that, although tomorrow we do have a hearing in the Permanent Subcommittee on Investigations on this very issue.

I will tell my colleagues and those who are listening, if we do not reform our Tax Code, update our currently noncompetitive Tax Code, we are going to see more and more jobs and investment going overseas. It is that simple.

We already see it. Last year, in dollar terms, there were twice as many foreign acquisitions of U.S. companies than there were the year before. Think about that. These are big companies with big names. One name you might know is Burger King, another is Budweiser. Another one that is thinking about it is Monsanto. These are big companies.

A lot of companies have already decided they are not going to stay in the United States because our Tax Code is so bad. It puts them at such a disadvantage vis-à-vis their competitors around the world that they can't survive. They have to become foreign enti-

ties in order to be competitive. We have to fix that. It is Washington that is creating the problem. Many criticize these companies. I say if there is any blame to show, it is right here in Washington, DC, by allowing the Tax Code that was written in the 1960s to continue when every other one of our competitors around the world has reformed their tax codes and lowered their rates. This is something we can and should do. There is bipartisan consensus around this—maybe not in the details but in a framework.

Senator SCHUMER, on the other side of the aisle, and I put together a report on this recently. We spent 3 or 4 months working on this, but it is a combination of a lot of different hearings and projects that have been undertaken over the last several years on this. We know what we have to do. We know we have to go to a competitive international system that allows us to be able to say to our workers in America: We are going to give you the tools to compete and win. We are not going to allow you to continue to have to compete with one hand tied behind your back, which is what is happening right now. The beneficiaries of this would be the American economy but specifically the American worker.

The folks in the boardrooms are going to be fine one way or the other. When you have these foreign acquisitions of U.S. companies or you have these so-called inversions where companies go overseas, the major executives in the company do just fine. The stock usually goes up. What happens is you lose workforce, you lose jobs here in America, salaries don't go up—they stay flat—and that is who is taking the brunt of this. So we have to fix that system, and I think we can do it perhaps in the next few months as part of this highway trust fund. That would be, I hope, an incentive to do it. Again, we should do it anyway, even if there is no highway trust fund need for us to find additional sources of funding.

In the meantime, I applaud the chairman and others who included in the highway trust fund legislation we are currently looking at. This is the legislation the chairman says we are likely to vote on Thursday. Included in that are a couple of other provisions that are quite helpful.

The one I want to talk about is with regard to regulations and permitting. When you think about it, we are struggling to find enough money to put into the highway trust fund to extend it as long as possible, right? Everybody is concerned about the fact that we have roads and bridges and can't put enough people back to work. One solution to this is to go to the taxpayers and say: We need more funding from the Federal tax base to go into this. That is what is happening, frankly. Another one is to say is there a better way to build these roads and bridges to save money so every tax dollar goes further, so we are telling the American people we are not only funding infrastructure, but we are

doing it in the most cost-effective, efficient way. That is not happening now. One reason it is not happening now is because it is so darn hard to permit something, so hard to get the green light to go ahead and start construction on something.

I hear this all the time back home. I hear it with regard to commercial buildings, I hear it with regard to energy projects, and I hear it with regard to roads and bridges. You have so many hoops you have to go through, many of which are Federal, some of which are local, some of which are State—many of which are Federal, that it adds costs to the project. It adds delay to the project, and it makes it so you are always worried about a litigation risk because people can go back years after the project is completed and say: Aha. I am going to file a lawsuit because you didn't follow all of these Federal regulations and rules quite the way you should have. That adds cost that we should not be incurring.

Instead, as we pass this highway bill, we are going to pass something that is called permitting reform. The Federal permitting system is being reformed in this underlying bill. My colleagues ought to know about that. I am going to make a plea that regardless of what happens, whether it is a 6-year bill, which I think would be great, again adding predictability and certainty, or whether it is 3 years, which maybe we are going to pass on Thursday, or whether it is 3 months, which is what some are saying—the rumor is perhaps the House will send it back to the Senate—whatever the extension period is, let's include this legislation to make it easier to green-light a project to have America get back into the business of building things, not just roads and bridges—although it will help on this bill—but also other projects: energy projects, construction projects, commercial buildings, and so on.

Let me give you a really frightening statistic. There is a group that does an international assessment every year of all the countries in the world. It asks: How easy is it to do business in various countries? They compare the countries. One of the countries of course in the mix is us, the United States of America. You would hope we would be at the top of the list—the best place to invest—that we would be the country, since we are a capitalist free enterprise country where we value ingenuity and want to move forward with projects and get things done, that we would be at the top of the list. We are not. We are now No. 41 in the world in terms of the ease to get a construction permit to build something—No. 41 in the world.

Capital is global these days. It moves around the world, and certainly around the country, but around the world. So you go to a big city overseas, let's say London. You see all sorts of cranes. Why? Because actually in that city it is easier to build something than it is here in the United States. That is

crazy. We should have a system here in the United States where you have to go for the proper regulations, you have to be sure you are building something that is safe and environmentally sound, but that it is easy to do it. You can do it quickly. We are now 41st in the world.

This drives investment out of the United States and puts that investment in other countries. This is why this legislation is so important. Again, for the roads and bridges it is important, but also in general to put people back to work.

Here is something interesting about this legislation. We have worked on this for almost 4 years—about 3.5 years now. My cosponsor is CLAIRE MCCASKILL, who is a Democrat, so we have a Republican and a Democrat doing this together. Over time we have been able to build support, slowly but surely, to the point that we now have a good group of bipartisan cosponsors, pretty evenly balanced between Republicans and Democrats, but we also have some support from the outside that is unusually balanced.

We have the Chamber of Commerce supporting this in the business community. That might be expected. A lot of them are interested in how to build something and build it more quickly, but we also have the AFL-CIO building trades council strongly in support of this. I appreciate that. Because they get it. This is about work and specifically about construction jobs. A lot of those jobs went away during the financial crisis of 2007, 2008, and 2009. They have been slow to come back. Unemployment is still relatively high among construction workers. Frankly, a lot of them have moved on to something else because they have not had jobs.

The AFL-CIO building trades council and the business community are together on this. They are working with us together to ensure that we can get this done in the highway bill and to move forward with not just something that will help on roads and bridges, but it will help on all kinds of projects.

I heard about this in the context of energy. When I first got elected, a company came to me. It is called American Municipal Power, AMP. AMP does small energy projects all over our State and some other States. They came to me and said: You know, Rob, we have been trying to put a powerplant on the Ohio River. Now, you might think that normally would be a coal plant or a gas plant, or even a nuclear plant—there are all those along the Ohio River. They said: No, we are actually trying to put a hydro plant. The Ohio River is not a particularly natural place for hydro, you would not think, but it turns out there is a nice flow in the Ohio River. It is a big river.

They had this great idea at the locks of the Ohio River to add a municipal powerplant, hydroplant, but they said: We cannot get through all of these Federal hoops. There are up to 35 different Federal licenses and permits you now

have to get to do an energy project. Think about that. You have to get 35 different Federal licenses and permits in order to start construction and to move forward with an energy project.

That is what they found in the Ohio River. They came to me and said: What can you do to help? We started to look at it and figured out: My gosh. The right hand doesn't know what the left hand is doing. You have so many agencies involved, so many different interests involved, whether it is the Army Corps of Engineers, the USGS, whether it is EPA, whether it is again State and local regulations. I am just talking about the Federal side when I talk about the 35 permits and regulations.

What American Municipal Power wanted was to be able to get something done in a predictable way and have somebody be accountable. We liked that idea, so we moved forward with this legislation providing more accountability.

We also heard from Baard Energy. Baard had plans to build a \$6 billion synthetic fuels plant in Wellsville, OH. This was a coal-to-liquid plant that would not only convert coal into clean diesel and jet fuel, it would also have created, we were told, up to 2,500 jobs. This is in a part of Eastern Ohio where these jobs are so valuable, so precious.

They couldn't do it at the end of the day because the permitting delays and the lawsuits they got so interfered with the project that their capital left. It wasn't patient enough to wait around for all the delays, all the potential lawsuits, all the problems. So, again, from them we learned: Well, let's have accountability, one agency responsible, but also let's look at this issue of not just lack of accountability, but the fact that these lawsuits continue to slow these projects down and make it more difficult to move forward.

Our legislation addresses all of these issues. It does so in a very thoughtful and, I think, reasonable way, in a way that is common sense. We have got support on both sides of the aisle. First of all, it strengthens coordination and deadline setting. We talked about having some accountability. One agency is now accountable, so instead of agencies being able to go: Well, you know, we are fine, but how about this other agency? Not our fault, their fault, pointing fingers. Now you have got one agency that is in charge.

Deadline setting. This creates an interagency council to best identify what the best practices are, but also set deadlines for reviews. Right now with no deadlines, the things often go on and on and on, in approvals of important infrastructure projects.

It also strengthens cooperation between the State and local permitting authorities, another problem. As I said earlier, there are local and State issues as well, and we try to avoid duplication and the delay that comes from that.

Second, the legislation facilitates greater transparency and greater public participation in the permitting

process. It creates what we call an on-line dashboard where you can look at the dashboard—whether you are a company that is involved in this or whether you are a member of the public who is interested in this—you can look on that dashboard and see this is where the permit is. OK. It is at that agency. Well, why? You can see whether it has completed its review. And where are we on this?

It encourages not just the ability to track agency progress, which I think will have a very important effect—sunlight is the best disinfectant sometimes in bringing this out; making the transparency better is a good idea, but it also brings more input from stakeholders.

We also require in our legislation that the agencies accept comments from stakeholders early in the approval process. Why? Because another problem we found was that often the concerns come very late in the process, so you have an investment, you have workers working on this. All of a sudden a concern comes in, it stops everything, slows it down, and makes it very inefficient.

Instead we are saying: OK. Comments, they are very important, but let's accept those comments earlier in the process. Let's identify these important public concerns from the very start. Then finally, it institutes a set of litigation reforms that I think is very important. One I will mention, which I think is probably going to be surprising to a lot of people: Right now there is a statute of limitations on lawsuits that runs 6 years. This is after the environmental review, the NEPA review—6 years. Think about that. We limit that 6 years to 2 years. I would have liked to limit it even further to be frank.

In our original legislation we tried to limit it even further, but this again is a consensus-building project. We want to be sure we kept the bipartisan support, we kept support on the outside, including from groups like the Natural Resources Defense Council that have worked with us on this.

So we have accountability, transparency, litigation reforms, with the whole goal of saying: Let's take, in the case of these construction projects, the roads and bridges, the Federal dollars, and let's let them work in a more efficient way so every dollar goes further, so we can get these roads and bridges going, so we are not paying so much for delays and redtape, so we are not paying so much more for lawsuits, so we can actually get this thing moving. That is in this legislation.

I hope my colleagues who, like me, go back home and hear about regulatory reform and the need for us to streamline the process will strongly support this part of the legislation, even if they cannot support all of the legislation. I hope they will continue to push this Senate and the House of Representatives to pass this permitting reform legislation.

If we do that and it lands on the President's desk, I believe he will sign it. I believe that because we have worked with him closely and because frankly it will have such strong bipartisan support. It is the right thing to do. It enables us to say to the people we represent: You know what. We are not just asking for some more money for roads and bridges, which is important and will create more jobs and make our economy more efficient—we need to do that. The crumbling infrastructure is real.

It is also an opportunity for us to do it in a more efficient way. The President's job council, at the end of 2011, issued a report. You might remember that. President Obama selected Jeffrey Immelt, who is a very widely respected executive—GE CEO—to chair the jobs council. He came up with a bunch of recommendations, many of which I think were very constructive.

One was about this very issue. This is what they said. They said we ought to reform the permitting process because we should, as the President said, “do everything we can to make it easier for folks to bring products to market, and to start and expand new businesses, and to grow and hire new workers.” That was the President.

Sean McGarvey is the president of the North America's Building Trades Union. We talked about the AFL-CIO building trades union. This is what Sean McGarvey has said: “If there was ever an issue that could be considered a no-brainer for Congress, the Federal Permitting Improvement Act is it.”

I agree with Sean. This is a no-brainer. Let's get it done as part of the legislation we are going to pass this week. I believe we will pass it. If we do not pass the highway bill this week, let's ensure that we include the permitting reforms in whatever we do pass.

Again, whether it is a 3-month extension or a 6-year extension, we should be sure that we are removing unnecessary delays, bureaucratic hurdles, so that more Americans who are looking for a job can find a job, and so that tax dollars can go further. I want to thank CLAIRE MCCASKILL, the Senator from Missouri, who has been the cosponsor of this over the last few years. Sometimes it has not been easy working through this. She has taken some arrows, but it is the right thing to do. It is meaningful legislation that will actually help move our economy in the right direction and help us to be able to repair more of these roads and bridges because we will be doing it more efficiently.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GARDNER). Without objection, it is so ordered.

Mr. CORKER. Mr. President, I rise today to speak about the highway bill. I understand there will be a cloture vote tomorrow and then potentially, if that is achieved, final passage the day after. I want to say again that I appreciate the efforts of so many in various areas, that my comments today are not intended to be directed at any individual or either side of the aisle.

I was elected in 2006 and I came in during 2007, so I have been here roughly 8½ years. One of the reasons I ran for office was to deal with our Nation's fiscal issues. I was so concerned about the direction in which our country was going. As you know, just about every military leader we have will tell you that the greatest threat to our Nation's national security is us, those of us here in Congress, and the way we deal with our fiscal issues.

The simplest fiscal issue I know of to solve is the highway bill because it is simple math. It is not like Medicare, where all these actuarial issues have to be dealt with and you have to make assumptions about the impact on care and all those kinds of things. The highway bill is just simple math. It is so easy. There is money that comes in and there is money that goes out.

I think everybody in this body knows the highway bill was set up based on a user fee program where people who are using the highways pay for that through user fees and then the money would be there in a trust fund—a real trust fund—where, in fact, the money would go out. So we would have a system in our country where we would pay for our highways and other infrastructure in that regard. As a matter of fact, the State of Tennessee has zero road debt because that is exactly the way they handle their State portion.

I know a lot has been said about this Presidential race and what is driving some of the interesting anomalies that are occurring right now. People are saying: Well, certain candidates are receiving a lot of attention because of the anger people in America have toward Washington. I would just say that this bill—this is an outline of it—should be exhibit A as to why people in America are angry at Washington. Both sides of the aisle, both ends of the Capitol, this is exhibit A.

Again, I understand this was a combined effort with lots of people, but let me point out a few things.

No. 1, we have had five general fund transfers—in other words, taking money out of our general fund and sending it over to the highway trust fund. That has totaled \$60 billion since 2008.

We have these wonderful young interns who come up here to learn about Washington. They come up here to experience Washington. They have read in their history books and other places—in civics—about this being the greatest deliberative body in the world. I would think that in most cases they probably look up to people here on the floor. Some of them may aspire to



someday actually serve in the Senate. But what they are going to be witnessing should this bill become law is 100 folks in this room—not all of them but a number of people in this room—voting to basically steal money from them.

They are stealing money from you so that all of us can look good to our constituents and pass a highway bill. So we are going to steal money from you so that we don't have to deal with this issue. It is called generational theft.

So to the pages and to the people you have been working with for so long, just know—and I don't know any other way to describe this. Let me explain. This is a 3-year bill we are going to pay for over 10 years. One hundred percent of the spending, in other words, takes place between the years 2016 and 2018—100 percent of the spending—but 69 percent of the offsets, the money coming in, actually comes in—you heard me say 2016 to 2018—between 2022 and 2025. So that would be like your mother or father going to the grocery store and buying groceries and saying: Well, I am not going to pay for this today; I will pay for this in 7 or 8 or 9 years down the road. Every time they went to the grocery store, they did that. You can imagine how your household finances would operate if that is what they did. If this bill becomes law, that is what the people in this body will be doing to you. It is generational theft.

We use these tricky accounting rules around here where if we pay for something over 10 years even though we spend the money in 1 year, we count that, believe it or not, as paid for.

It is even worse on something like a highway trust bill. See, this is something where money is supposed to come in at the same rate money is going out. You can expect some aberrations on when money comes in and when money goes out on other kinds of programs—you can expect that—but not on the highway trust fund.

This is the kind of math, by the way, each of you probably knew about in the third or fourth grade, where you could figure out how much money is coming in and how much money is going out. But on both sides of the Capitol and on both sides of the aisle, since 2008, instead of dealing with this issue—which, by the way, means you have to make some tough choices. You could spend less money in the trust fund. That would be a way to make it add up. You could devolve some of the responsibilities back to States. By the way, so many roads are now becoming roads the Federal system pays for, there might be a good argument for that. There is a good argument for that. Or you could just increase revenues and make sure those who are driving on the roads in our country today pay more to do it. But that is not what is going to happen. We are going to pull a trick on the American people. And here I get back to that anger issue and the reason so many people are upset with Washington. Again, this is exhibit A.

As a matter of fact, only 9 percent of the money coming in over this 10-year period comes in during the period of time we are spending on the highway bill. Can you believe that? Yet we say it is paid for.

Let me tell you what else we are doing. This is fascinating to me. Congress, in its brilliance, has created a system where only Fannie and Freddie—remember the two behemoths that had \$5 trillion in housing mortgages in our country, the big giants that failed back in 2008? What we have done in this bill—I am not going to do it, but if people vote for this bill, what they will be agreeing to do is to extend the guarantee fee on mortgages out, by the way, the last couple of years of this bill, so, again, money comes in way beyond the time we spend it.

So let's say you guys go to college. I know many of you will. When you get out, you decide to buy a home. Let me tell you how we, in our wisdom, have decided to pay for our highways. We are going to make you pay more for your mortgage. You are not going to know that, by the way; we are going to hide it in your mortgage.

See, we want to make sure the American people don't really know how we are paying for these things. We try to hide these things from folks so that when we run for reelection, we don't create any ire amongst the public.

This one is hard for me to believe. Now, I can understand some people in this body supporting this, those who support Fannie and Freddie continuing on forever, because what we are really doing is now the Federal Government, in order to pay for our roads, is relying on Fannie and Freddie. So how could you do away with them? Think about it.

We have had so many people in this body talk big about winding down Fannie and Freddie and about how they are a threat to our Nation. I have actually written a bill to try to deal with that and had a lot of support from people on both sides of the aisle. We all talk big, but let me tell you what we are going to do. To pay for the highways, we are going to continue the policy of making sure that every time somebody gets a mortgage, they pay a little more for that mortgage—the entire time, by the way, that mortgage is in place. That generates about \$2 billion. Of course, the American people won't know or see that, and so that, of course, makes it very popular.

Let me talk about another one. This is fascinating to me. The Federal Reserve System has been paying a dividend to member banks that invest in their regional Feds. Since 1930, that dividend rate has been 6 percent. I don't know if that is the right number.

By the way, some people are confusing this with a monetary policy issue, which is the amount that is being paid on the reserve. That is not what this is. This is something which has been in place since the 1930s. We never had a hearing on it, by the way,

and I have no idea what we should be paying, OK? I have no idea. But just out of the blue, to generate \$17 billion—without a hearing; never been a hearing; as a matter of fact, I would say most people in this body have never heard of this issue—to pay for our roads and again make sure we stay in great stead with our constituents back home so we don't have to make any tough choices, we are going to change that from 6 to 1.5 percent. That generates \$17 billion. But, again, it keeps us from having to deal with this issue head on. By the way, a lot of that money comes in way beyond the period of time we are spending the money on the roadways.

This is the one that gets me. I love this one. I love this one. We are going to sell 101 million barrels of oil from something called the Strategic Petroleum Reserve from 2018 to 2025. We have a big Strategic Petroleum Reserve, which is in our national security interests. As a matter of fact, I would say that if President Obama were to propose this particular pay-for, most everyone on our side of the aisle would just raise unbelievable—I need to choose my words—would be very upset. It would be dead on arrival because what it does is it weakens our national security.

We have the Strategic Petroleum Reserve. In a time of crisis, we want to make sure the people in America have access to this Strategic Petroleum Reserve.

This is so grave. We are generating \$9 billion, by the way, in the years 2018 through 2025—again, beyond the time of even paying for this highway measure. So again, it is generational theft—selling assets down the road to pay for things today. It generates \$9 billion, and half of the sales occur in 2024 and 2025. So it is kicking the can down the road.

For America, please, please, be upset about this. Please, please, be angry about this.

Let me tell you what we are doing. We all make investments and pay attention to the markets a little bit. We hope we can save some money. Oil is selling today at under \$50 a barrel. But let me tell you at what we have decided we are going to sell this oil. We are just going to make it up—at \$89 a barrel. Think about that.

Congress in its wisdom has decided we are going to sell 101 million barrels of oil. We are so bright and we can anticipate the future so well that we know, by golly, that when we sell this oil between 2018 and 2025, it is going to be at \$89 a barrel, even though it is under \$50 a barrel today. But we know that because we represent America. We have been elected to the Senate.

So that is how we are generating it. By the way, if during that period of time oil happens to be selling at \$74 a barrel, we break even. If it sells for anything under that, it is less. But by the way, there is \$9 billion of made-up money just because we have decided

that is what the price of oil is going to be at that time.

I just have to say that this is one of the most irresponsible pieces of legislation I have seen come this far in the Senate. Let me say this one more time. This has to be one of the most irresponsible pieces of legislation that I have seen make it this far in the Senate.

I am very disappointed with where we are. I am not directing that at anybody. People on both sides of the aisle are involved in getting it where it is today. People on both sides of the building have used these types of gimmicks and tricks to basically involve ourselves in abject generational theft, keeping us from making tough decisions today. They are not even tough, to be honest—just using our God-given common sense, the same thing that most Americans get up every day and have to deal with.

I have been so uplifted in my home State and by my home town of Chattanooga to watch how ordinary citizens with huge patriotism and large amounts of common sense have dealt with the tremendous tragedy in our hometown. I have just been overwhelmed by it. I wish all of America could see the response of people who wake up every day carrying out their ordinary duties, husbands and wives and sons and daughters. They care about our Nation. They care about its future. They care about our military. They care about people who protect us. I wish that somehow people could see that. I know people see it in all of their hometowns around the country. I know people see this greatness. Yet in this bill, I don't see any common sense. How could we pay for our highways utilizing this type of pay-for?

So I rise to say that I don't support this piece of legislation. I think that has been made clear. I hope that as people analyze the pay-fors—which, again, in my opinion could not be more ridiculous on something like a highway bill—this bill will go down, and we will figure out a way to deal with this in a more productive way. Again, the right way to deal with this, if you have a trust fund, is to have fees that come in and the same amount that go out.

I think in this minor conversation here, these pages probably get that. I think America gets that. I hope, again, this bill does not pass. I hope it does not become law, and I hope we can gather and figure out another way of dealing with this in a responsible way that doesn't use gimmicks, as this certainly uses.

I don't know how anybody could say: By the way, the Senate has assumed that in the years 2024 and 2025, oil will sell at \$89 a barrel. Now, if the Senate was that good at giving financial advice—certainly, if we look at our balance sheets and the deficits we have been running, people would know that is anything but the truth.

The fact is that this bill should not become law and should not be sup-

ported. I intend to vote against it. I intend to encourage others to vote against it. I hope that at some point in my tenure here we will actually begin to deal with our fiscal issues head on, in a direct way that solves them for the long term and really doesn't sweep them under the rug for this generation, unfortunately, to have to clean up our mess.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, in poll after poll, the American people have told this Congress that it is time to wake up to the ever-growing threat from carbon pollution. Two-thirds of Americans support the Environmental Protection Agency's Clean Power Plan to cut emissions from powerplants and invest in energy efficiency and renewable energy. Even a majority of Republicans support action to reduce carbon pollution. But we do nothing.

So here I am again, for the 108th time, for a speech of which the Presiding Officer has become something of a frequent flyer, to urge that we listen to our constituents and do the job that we were sent here to do.

Sadly, Congress is stuck in the grip of the big polluters and their unlimited, unreported campaign spending. After the dreadful Citizens United Supreme Court decision of 2010, two things happened. One, corporate political spending poured into secretive unaccountable groups that now wield untold influence in our elections. Two, Republicans—particularly Republican voices in Congress—fell silent on carbon pollution and climate change. It was a stopper.

So despite the wishes of the American people and despite an overwhelming scientific consensus, the majority in the Senate has no plan whatsoever to address the catastrophic changes we see in our oceans and our atmosphere, in our farms and our forests.

Many of the Republican candidates for President, for fear of offending their fossil fuel billionaire donors, ignore not only the clear tide of public opinion and not only the warnings of our scientific and national security officials but ignore the climate disruptions in their own home States. They ignore the homegrown climate research of their own State's scientists and universities.

Earlier this year I came to the floor with my colleague and friend, Senator BALDWIN of Wisconsin, to consider the effects of carbon pollution in her Badger State. Senator BALDWIN is a fierce defender of Wisconsin families and

businesses and is fighting to protect Wisconsin's climate, from the Great Lakes to the legendary dairy farms.

Wisconsin Governor Scott Walker, on the other hand, has gone another way. He has gone right down the fossil fuel industry rabbit hole. He pulled the plug on scientific and environmental functions in State government and he attacks environmental programs in the Federal Government.

Let's look at the facts in Wisconsin. According to the scientists at the University of Wisconsin-Madison, weather stations around Wisconsin measure that average temperatures in Wisconsin increased by about 1.1 degrees Fahrenheit between 1950 and 2006. During the same period, Wisconsin got wetter as well as warmer. Annual average precipitation in Wisconsin increased by almost 3 inches—again, measured.

As more and more carbon pollution piles up in the atmosphere, researchers at the University of Wisconsin-Madison estimate and project that by midcentury Wisconsin could warm by 4 to 9 degrees Fahrenheit. By the end of the century, the climate in Wisconsin may look more like that of present-day Missouri or Oklahoma, raising the prospect of dramatic shifts in the Wisconsin economy and way of life.

These changes would not be kind to Wisconsin's iconic badger. The Upper Midwest and Great Lakes Landscape Conservation Cooperative lists the Wisconsin badger as one of the region's species at risk from climate change. It has no apparent effect on Governor Walker, however.

There was the Wisconsin Initiative on Climate Change Impacts. The Wisconsin Initiative on Climate Change Impacts was formed in 2007 by the Wisconsin Department of Natural Resources and the University of Wisconsin Nelson Institute for Environmental Studies. The scientists and public officials in this program are studying how climate change will affect Wisconsin's wildlife, water resources, and public health, and important Wisconsin industries such as forestry, agriculture, and shipping and tourism on the Great Lakes.

Climate change threatens pillars of the Wisconsin economy. The initiative's agricultural working group reports that higher summer temperatures and increasing drought will create significant stress on livestock, even touching Wisconsin's famed cheese industry. Victor Cabrera, an assistant professor in the University of Wisconsin-Madison Dairy Science Department, says that this heat stress interferes with both fertility and milk production. Dairy cows could give as much as 10 percent less milk. Professor Cabrera in Wisconsin is not alone. He is not alone. The U.S. Department of Agriculture predicts that by 2030 climate change will cost the U.S. dairy sector between \$79 million and \$199 million per year in lost production. Does Governor Walker care? Apparently not, but

the University of Wisconsin does. So it is leading a USDA-funded effort to identify practices that minimize greenhouse gases from milk production and make dairies more resilient to Wisconsin's changing climate. Some Wisconsin dairy farmers, for instance, are burning excess methane in enormous manure digesters to generate their own renewable electricity.

It is not just the farmers. Wisconsin has sportsmen. Wisconsin's sportsmen treasure Wisconsin's 10,000 miles of trout streams—some of the best trout fishing in the country. Trout Unlimited found that fishing in the Driftless Area of southwest Wisconsin and parts of Illinois, Minnesota, and Iowa adds over \$1 billion per year to the surrounding economy. But the cold-water fish such as the brook trout are highly sensitive to temperature increases in streams.

Under the worst cases analyzed by the researchers at the University of Wisconsin-Madison and the Wisconsin Department of Natural Resources, "brook trout are projected to be completely lost from Wisconsin streams." Even the best case scenarios see losses of as much as 44 percent of the Wisconsin brookies' current range by midcentury. That is Wisconsin's own Department of Natural Resources. Other cold water species such as the brown trout are not much better off than the brookies.

The Wisconsin Department of Natural Resources is not alone. It is not alone. The American Fly Fishing Trade Association said this in a recent public statement:

Climate change is no longer a potential threat; it demands our attention now. . . . We call on our elected officials to put partisan politics aside and work quickly to enact federal policy to address the threats presented by global climate change.

On to Wisconsin's loggers, Wisconsin has a significant logging industry, and the loggers are having trouble getting to the timber when hard, frozen winter ground becomes too thawed and too soggy to hold up logging equipment. According to a study out of the University of Wisconsin, that frozen period for loggers to work has decreased by 2 to 3 weeks since 1948, shortening the working window for loggers before their gear bogs down.

In every corner of the State, Wisconsin's own scientists are seeing dramatic climate changes. Wisconsin's businesses and communities are already taking a hard hit. How does their Governor respond? You can probably see this coming: "I am not a scientist"—the classic denier dodge.

Governor Walker, we know you are not a scientist, but it is OK because you have some of the top scientists right there at your own University of Wisconsin. You have teams of scientists working for you at your State agencies right in Wisconsin.

But do we expect that Scott Walker will listen to a scientist? No. No. He has a different plan—to eliminate more

than 60 positions at the Wisconsin Department of Natural Resources, including dozens of scientific staff. That is one way to not have to listen to them.

Whom does Scott Walker listen to? Well, the Koch Brothers political network has said it plans on spending \$900 million in the 2016 election cycle—\$900 million. The President of one of the biggest Koch Brothers-backed organizations, Tim Phillips of a group called Americans for Prosperity, has threatened publicly that any Republican candidate in the 2016 Presidential campaign who supported climate action "would be at a severe disadvantage in the Republican nomination process." So they are going to throw \$900 million at the election, and they have a "severe disadvantage" threat floating around. Nice little campaign you got here; be a shame if it was severely disadvantaged.

Well, it did not take Governor Walker long to sign that same Americans for Prosperity organization's no climate tax pledge—what do you know—vowing to oppose any legislation on climate change without an equivalent amount of tax cuts. It is amazing what waving around \$900 million will do.

Whom else does Scott Walker listen to? Well, the majority leader recently called on all Governors to rebel against the EPA's Clean Power Plan. So far, only six took up the majority leader's call. One of them is—guess who—Scott Walker. In December he wrote to the EPA that their plan would be "a blow to Wisconsin residents and business owners." In January he announced that he was planning to sue the Agency instead.

Maybe Governor Walker would think differently if he listened to Wisconsin's business owners. Lori Compas, executive director of the Wisconsin Business Alliance, endorsed the EPA's Clean Power Plan proposal as a boon, a benefit to the Wisconsin economy. Here is what she said:

Encouraging renewable energy development will result in business growth, job creation, cleaner air, and a quicker path to energy independence.

That is what she wrote.

I will continue. She said:

Our society does not have to decide whether our policies should favor jobs or the environment. We should look for opportunities for us to promote jobs and the environment and the Clean Power Plan is a great way to do that.

That is the Wisconsin Business Alliance speaking. Those Wisconsin businesses are not alone. They are not alone. Yesterday 13 of the largest corporations in America joined in President Obama's American Business Act on Climate Pledge, committing to reduce greenhouse gas emissions, invest in renewable energy sources, and promote sustainable practices across their respective markets and up their supply chains. These are some pretty big-time nameplate Americans companies: Alcoa, Apple, Bank of America, Berkshire Hathaway Energy, Cargill, Coca-

Cola, General Motors, Goldman Sachs, Google, Microsoft, PepsiCo, UPS, and Walmart. That is a pretty broad spectrum of America's corporate hierarchy. Is it the Republican majority's position that they are all also in on the hoax?

The Republican majority has accused NASA's scientists, whose just flew a craft by Pluto and who are driving a rover around on the surface of Mars, of being in on a hoax; that climate change is a hoax and that NASA scientists are in on it. Is Walmart in on the hoax too? Do the Senators from Arkansas want to go home and tell the Walmart executives that they are in on a hoax? Do the Senators from Georgia want to go home and tell the CEO of Coca-Cola that they are in on a hoax? I don't think so. It is an untenable argument.

We have to move on. These leaders of American commerce declare, in a voice that Republicans should listen to:

We recognize that delaying action on climate change will be costly in economic and human terms, while accelerating the transition to a low-carbon economy will produce multiple benefits with regard to sustainable economic growth, public health, resilience to natural disasters and the health of the global environment.

That is quite a crowd who signed off on that statement. More will come because other companies, such as VF Industries and Mars and Unilever, agree with them.

Our good Earth is sending us a clear message. The message our good Earth is sending us is that carbon pollution is driving unprecedented change. It is showing the change happening in the Earth around us. Voters too are sending us a clear message. They are speaking up to say that climate change is a problem and they want their leaders to take action and that it is time we got our heads out of the sand.

Unfortunately, there is a problem. The big polluters have a powerful political megaphone. They do not hesitate to use it. They back it up with big, dark money campaign spending that is distorting our democracy in disgraceful ways.

The result is that, like so many Republican candidates for the Presidency, Scott Walker of Wisconsin has no plan, will not listen to his home State scientists at his home State university, and ignores what his loggers and trout fishermen and businesses are all seeing and saying. But, oh my, does he listen to the big polluters.

I yield the floor.

I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business,

with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO COLONEL THOMAS L'ESPERANCE

Mr. LEAHY. Mr. President, I want to recognize and commend Colonel Thomas L'Esperance for his noteworthy career with the Vermont State Police, which will conclude next month with his retirement. One of the strongest voices in Vermont law enforcement for the past 28 years, Colonel L'Esperance has dutifully served the public and sought to protect his fellow Vermonters as an invaluable member and leader in Vermont. He rose through the ranks of the Vermont State Police after beginning his career as a detective trooper with the Brattleboro barracks in 1987, and has since assumed new and challenging roles within the force. He has contributed to Vermont's public safety and helped to combat crime by serving as a detective trooper, the Southern Vermont Drug Task Force field supervisor, director of the Bureau of Criminal Investigations, and, since 2009, as the director of the Vermont State Police. Colonel L'Esperance has earned the respect and admiration of his colleagues throughout his career for his unwavering dedication and ability to empathize with those whom he serves and protects.

In recent years, Vermont has faced immeasurable challenges in combating the cycle of heroin and opioid abuse. In 2014, I called on Colonel L'Esperance to testify at a Senate Judiciary Committee field hearing in Rutland, VT, about this very challenge. Colonel L'Esperance graciously and with expertise provided testimony on the harmful effects of addiction in the State of Vermont, and on the challenges facing Vermont's law enforcement community in combating such abuse. His testimony was exemplary, not only because of his firsthand experience with this critical policing and public health issue, but also because of the colonel's personal commitment to eliminating this destructive epidemic from our State. I thank Colonel L'Esperance for his powerful testimony and for the great work he has done throughout his career in fighting criminal activity in our State.

While his retirement from the position of Vermont State Police director will be a loss for the force and for the State of Vermont, I am confident that Colonel L'Esperance will bring the same level of excellence to the next chapter of his career. Colonel L'Esperance will no doubt continue to serve others with integrity and with the highest regard for the public's safety. I am proud of Colonel L'Esperance for his exceptional work with the Vermont State Police, and I am grateful for all of his efforts in improving the safety and wellbeing of Vermonters.

#### INTELLIGENCE AUTHORIZATION BILL FOR FISCAL YEAR 2016

Mr. WYDEN. Mr. President, the Senate is being asked to approve the Intelligence authorization bill for fiscal year 2016 by unanimous consent. When this bill was reported by the Senate Intelligence Committee, I and other colleagues noted that it contained one provision that required further debate.

This provision, section 603, would require Internet and communications companies to make reports to the government if they become aware of "terrorist activity." Over the past 3 weeks a number of Internet companies have raised very valid concerns about this provision. In particular, they note that this provision is quite vague, and does not specify how these companies should know what is and is not terrorist activity.

The Internet Association, which is comprised of dozens of leading technology companies, has warned that uncertainty about the meaning of this vague language will create "an impossible compliance problem" and lead to "massive reporting of items that are not likely to be of material concern to public safety." That is obviously something that I think every Senator wants to avoid. Internet companies should not be subject to broad requirements to police the speech of their users.

There is no question that tracking terrorist activity and preventing online terrorist recruitment should be top priorities for law enforcement and intelligence agencies. And leading technology companies certainly have a role to play here. The Director of the FBI testified this month that technology companies are "pretty good about telling us" when they see something of serious concern. But I haven't yet heard any law enforcement or intelligence agencies suggest that this provision will actually help catch terrorists, and I take the concerns that have been raised about its breadth and vagueness seriously.

For these reasons, I object to this unanimous consent request. I look forward to working with my colleagues to revise or remove this provision so that the rest of the bill can proceed forward.

#### RECOGNIZING PRESIDENT DWIGHT D. EISENHOWER AND TAIWAN

Mr. ROBERTS. Mr. President, I wish to recognize an exceptional President and a true friend to the United States who cherishes that President's memory. Those of us from the great State of Kansas are justly proud of Dwight David Eisenhower, fondly known as "Ike" to his Abilene neighbors. The Republic of China, Taiwan, calls him a loyal friend.

In 1911, Eisenhower left his boyhood home in Kansas for the U.S. Military Academy at West Point. During World War II, Eisenhower was in charge of plans in the Pacific War and commanding general of the Army's Euro-

pean Theater. On June 6, 1944, General Eisenhower led the D-day invasion on the beaches of Normandy and liberated Europe. During this time, Taiwan stood as our ally in Asia, with the Flying Tigers in the Doolittle Raid and along the Burma Road. In 1951, President Truman asked Eisenhower to become the first Supreme Allied Commander in Europe. After a long and decorated military career, America's voters said, "I like Ike," by overwhelmingly electing him as the 34th President of the United States in 1952.

Today, it is my privilege to serve as Chairman of the Eisenhower Memorial Commission. Because this memorial honors a Kansan, a war hero, and a President the world admires, our good friend and partner, the government and people of the Republic of China, has generously made a gift to ensure the memory of Dwight D. Eisenhower is preserved for generations to come.

It is fortunate for all that our Taiwanese friends have not forgotten President Eisenhower's staunch support for their security and his strong commitment to the U.S.-Taiwan relationship. In 1960, President Eisenhower made the first official U.S. visit to Taipei to meet with President Chiang Kai-shek. As Taiwan's Representative to the United States, Dr. Shen has told me, "President Eisenhower holds a very special place in the hearts of the people of Taiwan."

It was Eisenhower who signed the Sino-American Mutual Defense Treaty in 1954. The next year, on the occasion of the passage of the Formosa Resolution by the Congress, President Eisenhower further pledged to "protect the territories in the Western Pacific under the jurisdiction of the Republic of China." It was also Eisenhower who dispatched the U.S. Seventh Fleet to patrol the Taiwan Strait in the 1950s, thus assuring that the people of Taiwan would remain secure from any external military threat. Deservedly, a significant portion of President Eisenhower's foreign policy legacy is maintaining peace and security in the Taiwan Strait.

In honoring a great general and President, Taiwan has demonstrated an unbroken bond of friendship, dating back to World War II. That enduring friendship is yet another key element of President Eisenhower's legacy.

#### WORLD WAR II VETERANS VISIT

Mr. GARDNER. Mr. President, today I honor the veterans of Honor Flight Northern Colorado that have made their 14th trip to Washington, DC to visit the memorials that stand in our Nation's Capital. This group includes veterans from various wars and generations, but all are linked by their service to our country.

Ten years ago, the Honor Flight was created to fly veterans that had served in World War II to Washington, DC so they could visit their memorial located in our Nation's Capital. Now, the

Honor Flight welcomes veterans from all over the country to fly to Washington, DC, free of charge, to visit the memorials of the wars these heroic veterans fought. Of the 123 veterans on the most recent Honor Flight, 25 served in World War II, 59 served in Korea, and 39 served in Vietnam.

Few words are sufficient to show the gratitude and respect we all have for the courageous men and women who have fought for our country. They have preserved our rights to life, liberty, and the pursuit of happiness.

We stand here today to honor those who have risked their lives to protect the United States of America.

Please join me in honoring Earnest Adams, Paul Babish, Oliver Bashor, Russell Brady, Martin Bunker, Arthur Crothwait, Michael DeJiaco, N Kenneth Furlong, Francis Gallagher, Roland Garner, Harold Hubbard, Erling Johnson, Howard Johnston, William Karr, John Kennedy, Herbert Leis, Charles Linhart, Russell MacCachran, Ray Madsen, Harriet Martin, Fred McClory, David Meier, Ronald Smith, Donald Stonebraker, Leo Weaver, Charles Archibeque, Donald Anderson, William Bacon, Bobby Barker, Louis Barrientos, Virgil Beck, Jack Benham, Alfred Benson Jr., James Birdsell, George Blake, Thomas Bornhoft, Robert Brezee, Alfred Brophy, Ralph Carlson, Charles Campion, Lewis Carder, Richard Cella, Marinus Christensen, Kenneth Clements, Earnest Cummins, Robert Davenport, Donald Deboodt, Kenneth Doty, Joseph Eckert, James Hagihara, Norman Harpole, Richard Hecker, Bobby Jones, Roy Kipfinger Jr., Richard Korth, John Lebsack, Robert Lionberger, Donald Matula, Paul McDill, Lawrence McGlone, Raymond Miller, Clifford Morey, Richard Orton, Placido Pando, William Peebles, Lupe Rodriguez, Evaristo Sanchez, Michael Schaugency, James Schofield, Earl Simmons, Frederick Smith, Ralph Spellman, James Stallard, James Stewart, William Strunk, Wilbur Tritthardt, Henry Trujillo, Melvin Veldhuizen, Allan Walcker, Orlin Williams, Charles Wood Jr., Donald Wuertz, Clarke Wykert, Rudolph Younger, Larry Arndt, Bruce Axelrod, Marvin Bartholomew, Jim Biggs, Alexander Bless, Clyde Brewer II, Randy Brooks, Lanny Clary, Guy Coombes, Robert Cowan, Robert Chapman, Waldo Decker, David DeJiaco, Terry Diedrich, Kenneth Gareis, Bonifacio Hernandez, Larry Huddle, David Jovola, Donald Ketels, Clarke Lambert, Gary Lebsack, Dewey Mattly, Lorrie McLaughlin, Calvin Melcher, Irving Morales, Bryan Morgan, Richard Orton, Norman Peterson, James Porth, James Ray, Stephen Ray, Dave Sloan, Lawrence Stoddard, Harley Sullivan, Michael Torgerson, Andrew Valdez, Gregory Walent, Daryl Wiest, and Terry Wright.

## ADDITIONAL STATEMENTS

### TRIBUTE TO SHANE BINGER

• Mr. THUNE. Mr. President, today I recognize Shane Binger, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota.

Shane is a graduate of Hitchcock-Tulare High School in Tulare, SD. Currently, Shane is attending South Dakota State University, where he is majoring in business economics. Shane is a dedicated worker who has been committed to getting the most out of his experience.

I extend my sincere thanks and appreciation to Shane Binger for all of the fine work he has done and wish him continued success in the years to come.●

### TRIBUTE TO SHELBY FERSTL

• Mr. THUNE. Mr. President, today I recognize Shelby Ferstl, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota.

Shelby is a graduate of Tartan High School in Oakdale, Minnesota. Currently, Shelby is attending the University of Minnesota Duluth, where she is majoring in financial markets. Shelby is a dedicated worker who has been committed to getting the most out of her experience.

I extend my sincere thanks and appreciation to Shelby Ferstl for all of the fine work she has done and wish her continued success in the years to come.●

### TRIBUTE TO STEPHEN GEMAR

• Mr. THUNE. Mr. President, today I recognize Stephen Gemar, an intern in my Aberdeen office, for all of the hard work he has done for me, my staff, and the State of South Dakota.

Stephen is a graduate of Mobridge-Pollock High School in Mobridge, SD. Currently, Stephen is attending the University of South Dakota, where he is majoring in political science. Stephen is a dedicated worker who has been committed to getting the most out of his experience.

I extend my sincere thanks and appreciation to Stephen Gemar for all of the fine work he has done and wish him continued success in the years to come.●

### TRIBUTE TO BRADY GLISSENDORF

• Mr. THUNE. Mr. President, today I recognize Brady Glissendorf, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota.

Brady is a graduate of St. Thomas More High School in Rapid City, SD. Currently, Brady is attending the University of Notre Dame, where he is majoring in political science and econom-

ics. Brady is a dedicated worker who has been committed to getting the most out of his experience.

I extend my sincere thanks and appreciation to Brady Glissendorf for all of the fine work he has done and wish him continued success in the years to come.●

### TRIBUTE TO COLE GUSTAFSON

• Mr. THUNE. Mr. President, today I recognize Cole Gustafson, an intern in my Rapid City office, for all of the hard work he has done for me, my staff, and the State of South Dakota.

Cole is a graduate of Sheridan High School in Sheridan, Wyoming. Cole is a recent graduate of Black Hills State University, where he majored in political science, and will begin at the University of Wyoming College of Law in August 2015. Cole is a dedicated worker who has been committed to getting the most out of his experience.

I extend my sincere thanks and appreciation to Cole Gustafson for all of the fine work he has done and wish him continued success in the years to come.●

### TRIBUTE TO KATHERINE HICKEY

• Mr. THUNE. Mr. President, today I recognize Katherine Hickey, an intern in my Sioux Falls office, for all of the hard work she has done for me, my staff, and the State of South Dakota.

Katherine is a graduate of Roosevelt High School in Sioux Falls, SD. Currently, Katherine is attending Asbury University, where she is majoring in political science and sociology. Katherine is a dedicated worker who has been committed to getting the most out of her experience.

I extend my sincere thanks and appreciation to Katherine Hickey for all of the fine work she has done and wish her continued success in the years to come.●

### TRIBUTE TO ERIC HURLEY

• Mr. THUNE. Mr. President, today I recognize Eric Hurley, an intern in my Aberdeen office, for all of the hard work he has done for me, my staff, and the State of South Dakota.

Eric is a graduate of Aberdeen Roncalli High School in Aberdeen, SD. Currently, Eric is attending the University of South Dakota, where he is majoring in business administration. Eric is a dedicated worker who has been committed to getting the most out of his experience.

I extend my sincere thanks and appreciation to Eric Hurley for all of the fine work he has done and wish him continued success in the years to come.●

### TRIBUTE TO ROBERT PETERSON

• Mr. THUNE. Mr. President, today I recognize Robert Peterson, an intern in

my Sioux Falls office, for all of the hard work he has done for me, my staff, and the State of South Dakota.

Robert is a graduate of Washington High School in Sioux Falls, SD. Currently, Robert is attending the University of South Dakota, where he is majoring in history and political science. Robert is a dedicated worker who has been committed to getting the most out of his experience.

I extend my sincere thanks and appreciation to Robert Peterson for all of the fine work he has done and wish him continued success in the years to come.●

#### TRIBUTE TO MATTHEW VANDER WOUDE

● Mr. THUNE. Mr. President, today I recognize Matthew Vander Woude, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota.

Matthew is a graduate of Lincoln High School in Sioux Falls, SD. Currently, Matthew is attending Pepperdine University, where he is majoring in economics. Matthew is a dedicated worker who has been committed to getting the most out of his experience.

I extend my sincere thanks and appreciation to Matthew Vander Woude for all of the fine work he has done and wish him continued success in the years to come.●

#### MESSAGES FROM THE HOUSE

At 12:15 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1482. An act to improve and reauthorize provisions relating to the application of the antitrust laws to the award of need-based educational aid.

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 774. An act to strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing, to amend the Tuna Conventions Act of 1950 to implement the Antigua Convention, and for other purposes.

H.R. 998. An act to establish the conditions under which the Secretary of Homeland Security may establish preclearance facilities, conduct preclearance operations, and provide customs services outside the United States, and for other purposes.

H.R. 1607. An act to amend title 38, United States Code, to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with mental health conditions related to military sexual trauma, and for other purposes.

H.R. 1634. An act to strengthen accountability for deployment of border security technology at the Department of Homeland Security, and for other purposes.

H.R. 1656. An act to provide for additional resources for the Secret Service, and to improve protections for restricted areas.

H.R. 1831. An act to establish the Commission on Evidence-Based Policymaking, and for other purposes.

H.R. 2127. An act to direct the Administrator of the Transportation Security Administration to limit access to expedited airport security screening at an airport security checkpoint to participants of the PreCheck program and other known low-risk passengers, and for other purposes.

H.R. 2206. An act to amend the Homeland Security Act of 2002 to require recipients of State Homeland Security Grant Program funding to preserve and strengthen interoperable emergency communication capabilities, and for other purposes.

H.R. 2750. An act to reform programs of the Transportation Security Administration, streamline transportation security regulations, and for other purposes.

H.R. 2770. An act to amend the Homeland Security Act of 2002 to require certain maintenance of security-related technology at airports, and for other purposes.

H.R. 2843. An act to require certain improvements in the Transportation Security Administration's PreCheck expedited screening program, and for other purposes.

H.J. Res. 61. Joint resolution amending the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 64. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for a ceremony to present the Congressional Gold Medal to the Monuments Men.

#### ENROLLED BILLS SIGNED

At 4:31 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1482. An act to improve and reauthorize provisions relating to the application of the antitrust laws to the award of need-based educational aid.

H.R. 876. An act to amend title XVIII of the Social Security Act to require hospitals to provide certain notifications to individuals classified by such hospitals under observation status rather than admitted as inpatients of such hospitals.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 774. An act to strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing, to amend the Tuna Conventions Act of 1950 to implement the Antigua Convention, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 998. An act to establish the conditions under which the Secretary of Homeland Security may establish preclearance facilities, conduct preclearance operations, and provide customs services outside the United States, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1607. An act to amend title 38, United States Code, to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with mental health conditions related to military

sexual trauma, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1634. An act to strengthen accountability for deployment of border security technology at the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1656. An act to provide for additional resources for the Secret Service, and to improve protections for restricted areas; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2127. An act to direct the Administrator of the Transportation Security Administration to limit access to expedited airport security screening at an airport security checkpoint to participants of the PreCheck program and other known low-risk passengers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2206. An act to amend the Homeland Security Act of 2002 to require recipients of State Homeland Security Grant Program funding to preserve and strengthen interoperable emergency communications capabilities, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2750. An act to reform programs of the Transportation Security Administration, streamline transportation security regulations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2770. An act to amend the Homeland Security Act of 2002 to require certain maintenance of security-related technology at airports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2843. An act to require certain improvements in the Transportation Security Administration's PreCheck expedited screening program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1881. A bill to prohibit Federal funding of Planned Parenthood Federation of America.

The following joint resolution was read the first time:

H.J. Res. 61. Joint resolution amending the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2383. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Emerald Ash Borer; Quarantined Areas" (Docket No. APHIS-2015-0028) received in the Office of the President of the Senate on July 23, 2015; to the Committee on Agriculture, Nutrition, and Forestry.



EC-2384. A communication from the Director of the Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Conservation Reserve Program" (RIN0560-A130) received in the Office of the President of the Senate on July 22, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2385. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sedaxane; Pesticide Tolerances" (FRL No. 9930-84) received in the Office of the President of the Senate on July 22, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2386. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that involved fiscal years 2012 and 2013 Operation and Maintenance, Army, funds, and was assigned Army case number 15-01; to the Committee on Appropriations.

EC-2387. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-2388. A communication from the Regulatory Specialist of the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Loans in Areas Having Special Flood Hazards" (RIN1557-AD84) received in the Office of the President of the Senate on July 22, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC-2389. A communication from the Associate General Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Affirmatively Furthering Fair Housing" (RIN2501-AD33) received in the Office of the President of the Senate on July 22, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC-2390. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2015-0001)) received in the Office of the President of the Senate on July 22, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC-2391. A communication from the Counsel, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled "2013 Integrated Mortgage Disclosures Rule Under the Real Estate Settlement Procedures Act (Regulation X) and the Truth In Lending Act (Regulation Z) and Amendments; Delay of Effective Date" (RIN3170-AA46) received in the Office of the President of the Senate on July 24, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC-2392. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Imposition of Special Measure against FBME Bank Ltd., formerly known as the Federal Bank of the Middle East Ltd., as a Financial Institution of Primary Money Laundering Concern" (RIN1506-AB27) received in the Office of the President of the Senate on July 24, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC-2393. A joint communication from the Assistant Secretary of Defense for Operational Energy Plans and Programs and the Assistant Secretary for Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, a report entitled "Potential for the Use of Energy Savings Performance Contracts to Reduce Energy Consumption and Provide Energy and Cost Savings in Non-Building Applications"; to the Committee on Energy and Natural Resources.

EC-2394. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; Oregon; Grants Pass Carbon Monoxide Limited Maintenance Plan" (FRL No. 9931-13-Region 10) received in the Office of the President of the Senate on July 22, 2015; to the Committee on Environment and Public Works.

EC-2395. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Oregon; Grants Pass Second 10-Year PM10 Limited Maintenance Plan" (FRL No. 9931-16-Region 10) received in the Office of the President of the Senate on July 22, 2015; to the Committee on Environment and Public Works.

EC-2396. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New Mexico; Electronic Reporting Consistent With the Cross Media Electronic Reporting Rule" (FRL No. 9931-09-Region 6) received in the Office of the President of the Senate on July 22, 2015; to the Committee on Environment and Public Works.

EC-2397. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans for the State of Alabama; Cross-State Air Pollution Rule" (FRL No. 9931-24-Region 4) received in the Office of the President of the Senate on July 22, 2015; to the Committee on Environment and Public Works.

EC-2398. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; District of Columbia, Maryland, and Virginia; 2011 Base Year Emissions Inventories for the Washington DC-MD-VA Nonattainment Area for the 2008 Ozone National Ambient Air Quality Standard" (FRL No. 9930-96-Region 3) received in the Office of the President of the Senate on July 22, 2015; to the Committee on Environment and Public Works.

EC-2399. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; MI, Belding; 2008 Lead Clean Data Determination" (FRL No. 9930-81-Region 5) received in the Office of the President of the Senate on July 22, 2015; to the Committee on Environment and Public Works.

EC-2400. A communication from the Executive Analyst, Office of the Secretary, Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services,

received in the Office of the President of the Senate on July 22, 2015; to the Committee on Finance.

EC-2401. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—August 2015" (Rev. Rul. 2015-16) received in the Office of the President of the Senate on July 24, 2015; to the Committee on Finance.

EC-2402. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Employee Plans Determination Letter Program" (Announcement 2015-19) received in the Office of the President of the Senate on July 24, 2015; to the Committee on Finance.

EC-2403. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Claims for Credit or Refund" (RIN1545-BI36) (TD 9727) received in the Office of the President of the Senate on July 24, 2015; to the Committee on Finance.

EC-2404. A communication from the Acting Commissioner of the Social Security Administration, transmitting, pursuant to law, reports entitled "Annual Report of the Board of the Trustees of the Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds" and the "Annual Report of the Boards of Trustees of the Federal Hospital Insurance and Federal Supplementary Medical Insurance Trust Funds"; to the Committee on Finance.

EC-2405. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2015-0077—2015-0079); to the Committee on Foreign Relations.

EC-2406. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "2013 Progress Report on Understanding the Long-Term Health Effects of Living Organ Donation"; to the Committee on Health, Education, Labor, and Pensions.

EC-2407. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "2012 Progress Report on Understanding the Long-Term Health Effects of Living Organ Donation"; to the Committee on Health, Education, Labor, and Pensions.

EC-2408. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Report to Congress on the Nurse Education, Practice, Quality and Retention Program" for fiscal years 2013 and 2014; to the Committee on Health, Education, Labor, and Pensions.

EC-2409. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Fiscal Year 2013 Report on the Preventive Medicine and Public Health Training Grant and Integrative Medicine Programs"; to the Committee on Health, Education, Labor, and Pensions.

EC-2410. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Report to Congress on the State Health Care Workforce Development (SHCWD) Grant Program"; to the Committee on Health, Education, Labor, and Pensions.

EC-2411. A communication from the Deputy Director, Administration for Community Living, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Developmental Disabilities Program" (RIN0970-AB11) received in the Office of the President of the Senate on July 24, 2015; to the Committee on Health, Education, Labor, and Pensions.

EC-2412. A communication from the Executive Analyst, Office of the Secretary, Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Deputy Secretary, Department of Health and Human Services, received in the Office of the President of the Senate on July 22, 2015; to the Committee on Health, Education, Labor, and Pensions.

EC-2413. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Performance Standards for Ionizing Radiation Emitting Products; Fluoroscopic Equipment; Correction; Confirmation of Effective Date" (Docket No. FDA-2015-N-0828) received in the Office of the President of the Senate on July 24, 2015; to the Committee on Health, Education, Labor, and Pensions.

EC-2414. A communication from the Chair of the Recovery Accountability and Transparency Board, transmitting, pursuant to law, the report of a rule entitled "Removal of Recovery Accountability and Transparency Board Regulations" (4 CFR Chapter II) received in the Office of the President of the Senate on July 24, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC-2415. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Redefinition of the Jacksonville, FL; Savannah, GA; Hagerstown-Martinsburg-Chambersburg, MD; Richmond, VA; and Roanoke, VA, Appropriated Fund Federal Wage System Wage Areas" (RIN3206-AN15) received in the Office of the President of the Senate on July 22, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC-2416. A communication from the Secretary, Judicial Conference of the United States, transmitting, a report of proposed legislation entitled "Federal District Judgeship Act of 2015"; to the Committee on the Judiciary.

EC-2417. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "Debt Collection Recovery Activities of the Department of Justice for Civil Debts Referred for Collection Annual Report for Fiscal Year 2014"; to the Committee on the Judiciary.

EC-2418. A communication from the Associate Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support, Connect America Fund" ((RIN3060-AF85) (FCC 15-71)) received in the Office of the President of the Senate on July 22, 2015; to the Committee on Commerce, Science, and Transportation.

EC-2419. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifica-

tions" (RIN0648-XD927) received in the Office of the President of the Senate on July 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-2420. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Modifications of the West Coast Commercial Salmon Fisheries; Inseason Actions numbers 3, 4, 5, and 6" (RIN0648-XD976) received in the Office of the President of the Senate on July 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-2421. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Standardized Bycatch Reporting Methodology Omnibus Amendment" (RIN0648-BE50) received in the Office of the President of the Senate on July 22, 2015; to the Committee on Commerce, Science, and Transportation.

EC-2422. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer" (RIN0648-XD985) received in the Office of the President of the Senate on July 22, 2015; to the Committee on Commerce, Science, and Transportation.

EC-2423. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Trimester Total Allowable Catch Area Closures for the Common Pool Fishery and Trip and Possession Limit Adjustment" (RIN0648-XE006) received in the Office of the President of the Senate on July 22, 2015; to the Committee on Commerce, Science, and Transportation.

EC-2424. A communication from the Acting Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Commercial Blacknose Sharks and Non-Blacknose Small Coastal Sharks in the Atlantic Region" (RIN0648-XD980) received in the Office of the President of the Senate on July 22, 2015; to the Committee on Commerce, Science, and Transportation.

EC-2425. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Fisheries; Pacific Tuna Fisheries; 2015 and 2016 Commercial Fishing Restrictions for Pacific Bluefin Tuna in the Eastern Pacific Ocean" (RIN0648-XD972) received in the Office of the President of the Senate on June 22, 2015; to the Committee on Commerce, Science, and Transportation.

EC-2426. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Snapper-Grouper Fishery of the South Atlantic; 2015 Recreational Accountability Measures and Closure for South Atlantic Snowy Grouper" (RIN0648-XE014) received in the Office of the President of the Senate on July 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-2427. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled

"Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Re-Opening of Commercial Sector for Atlantic Dolphin" (RIN0648-XE017) received in the Office of the President of the Senate on July 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-2428. A communication from the Acting Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Commercial Blacknose Sharks and Non-Blacknose Small Coastal Sharks in the Gulf of Mexico Region" (RIN0648-XD954) received in the Office of the President of the Senate on July 23, 2015; to the Committee on Commerce, Science, and Transportation.

EC-2429. A communication from the Acting Director of Regulation Policy and Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Update to National Fire Protection Association Standards, Incorporation by Reference" (RIN2900-AO90) received in the Office of the President of the Senate on July 24, 2015; to the Committee on Veterans' Affairs.

EC-2430. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) Quarterly Report to Congress; Third Quarter of Fiscal Year 2015"; to the Committee on Veterans' Affairs.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-70. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the United States Congress to take such actions as are necessary to regulate airline baggage fees and processes for consumers as it relates to transportation of passenger luggage and passenger delays resulting from lost, damaged, or delayed luggage; to the Committee on Commerce, Science, and Transportation.

#### HOUSE CONCURRENT RESOLUTION NO. 207

Whereas, deregulation of the airline industry in the United States began more than three decades ago in 1978; and

Whereas, a consequence of deregulation was the elimination of federal control over many airline business practices, including pricing and domestic route selection; and

Whereas, though deregulation limits federal control of airline business practices generally, the federal government continues to legislate and enforce certain consumer protections for airline passengers; and

Whereas, the United States Congress largely determines the degree to which certain rights of airline passengers are codified in law or developed through regulatory rule-making; and

Whereas, since deregulation, the primary means of competition amongst airlines has progressively centered on price, not service; and

Whereas, certain concerns for passengers of airlines include increasing baggage fees and passenger delays resulting from lost, damaged, or delayed passenger luggage; and

Whereas, the airline industry began to charge passengers a checked baggage fee per bag to curtail rising jet fuel costs and to supplement marginal revenue during times of economic decline; and

Whereas, as a result of increasing airline baggage fees charged by airlines for checked luggage, passengers are encouraged to increase the contents of carry-on luggage to avoid the extra cost of baggage fees; and

Whereas, increased carry-on luggage of boarding airline passengers may be correlated to the claims of lost, damaged, or delayed passenger luggage, because passengers are oftentimes asked to check carry-on luggage at the boarding gate, which may require passengers to wait for such luggage after deboarding an aircraft, or luggage and contents may become damaged during the process of fitting carry-on luggage onto boarded aircrafts; and

Whereas, although checked luggage may be lost, damaged, or delayed for a variety of reasons, baggage handling systems, airline negligence, and the act of luggage offloading to accommodate extra fuel have also been discussed as reasons for lost, damaged, or delayed passenger luggage; and

Whereas, the aforementioned concerns of airline passengers are issues of consumer protection for which the United States Congress has the constitutional power to address and determine fair and reasonable solutions through codified law or regulatory rule-making: Now, therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to regulate airline baggage fees and processes for consumers as it relates to transportation of passenger luggage and passenger delays resulting from lost, damaged, or delayed luggage; and be it further

*Resolved*, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-71. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the United States Congress to take such actions as are necessary to amend the employer shared responsibility provisions regarding employee health coverage under Section 4980H of the Internal Revenue Code, as enacted by the Patient Protection and Affordable Care Act, to eliminate penalties on school districts; to the Committee on Finance.

#### HOUSE CONCURRENT RESOLUTION No. 87

Whereas, a highly contentious aspect of the Patient Protection and Affordable Care Act (Public Law 111-148), referred to hereafter as "the ACA", is its imposition of financial penalties on employers known as "employer shared responsibility"; and

Whereas, the employer shared responsibility penalty applies to certain businesses with fifty or more full-time employees that either do not offer insurance or offer coverage which does not meet minimum standards set forth in the ACA; and

Whereas, after nearly four years of delays and regulatory uncertainty regarding application of the employer shared responsibility penalty following enactment of the ACA in March of 2010, the Internal Revenue Service, in its final regulations on the penalty issued in February of 2014 (79 Fed. Reg. 8544 (February 22, 2014)), provided that there is no exclusion from the penalty for government entities; and

Whereas, for purposes of the penalty, a "full-time employee" is now defined as any employee working an average of more than thirty hours per week or one hundred thirty hours per month; and

Whereas, because many part-time and temporary school personnel count as "full-time employees" under the ACA, the school dis-

tricts of this state now face crippling financial penalties, typically in the amount of two thousand dollars per employee who lacks health coverage, for not providing health coverage to personnel who traditionally have not been considered full-time employees: Now, therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to amend the employer shared responsibility provisions regarding employee health coverage under Section 4980H of the Internal Revenue Code, as enacted by the Patient Protection and Affordable Care Act, to eliminate penalties on school districts; and be it further

*Resolved*, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-72. A resolution adopted by the Legislature of Rockland County, New York, urging the United States Congress and the New York State legislature to strengthen guidelines for the distribution of Medicaid services and to prevent Medicaid fraud, waste, and abuse; to the Committee on Finance.

POM-73. A communication from a citizen of the United States of Illinois memorializing the State of Illinois's petition to the United States Congress calling for a constitutional convention for the purpose of proposing amendments; to the Committee on the Judiciary.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1334. A bill to strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing, to amend the Tuna Conventions Act of 1950 to implement the Antigua Convention, and for other purposes.

### EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Ms. MURKOWSKI for the Committee on Energy and Natural Resources.

\*Jonathan Elkind, of Maryland, to be an Assistant Secretary of Energy (International Affairs).

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MCCAIN:

S. 1873. A bill to strengthen accountability for deployment of border security technology at the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HATCH (for himself, Mr. ALEXANDER, Mr. MCCONNELL, Mr. MCCAIN, Mr. ENZI, Mr. CRUZ, Mr. WICKER, Mr. ISAKSON, Mr. COATS, Mr. JOHNSON, Mr. GARDNER, Mr. ROBERTS, Mr. RISCH, Mr. LANKFORD, Mr. CORNYN, Mr. COCHRAN, and Mr. PERDUE):

S. 1874. A bill to provide protections for workers with respect to their right to select or refrain from selecting representation by a labor organization; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ (for himself and Mr. CORKER):

S. 1875. A bill to support enhanced accountability for United States assistance to Afghanistan, and for other purposes; to the Committee on Foreign Relations.

By Mr. BLUMENTHAL (for himself, Mr. PORTMAN, Mr. MARKEY, Ms. STABENOW, Mrs. GILLIBRAND, Ms. BALDWIN, Ms. WARREN, Mr. REED, Mr. BENNET, Mr. SCHUMER, Mr. COONS, Mr. WHITEHOUSE, Mr. BOOZMAN, Ms. KLOBUCHAR, and Mr. FRANKEN):

S. 1876. A bill to rename the Office to Monitor and Combat Trafficking of the Department of State the Bureau to Monitor and Combat Trafficking in Persons and to provide for an Assistant Secretary to head such Bureau, and for other purposes; to the Committee on Foreign Relations.

By Mr. INHOFE (for himself, Mr. MCCAIN, and Mr. ROUNDS):

S. 1877. A bill to require the Attorney General to appoint a special prosecutor to investigate Planned Parenthood, and for other purposes; to the Committee on the Judiciary.

By Mr. CASEY (for himself and Mr. ISAKSON):

S. 1878. A bill to extend the pediatric priority review voucher program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BARRASSO:

S. 1879. A bill to improve processes in the Department of the Interior, and for other purposes; to the Committee on Indian Affairs.

By Mr. ROBERTS:

S. 1880. A bill to amend the Internal Revenue Code of 1986 to prevent veterans from being disqualified from contributing to health savings accounts by reason of receiving medical care for service-connected disabilities under programs administered by the Department of Veterans Affairs; to the Committee on Finance.

By Mrs. ERNST (for herself, Mr. MCCONNELL, Mr. PAUL, Mr. LANKFORD, Mr. BLUNT, Mr. CORNYN, Mrs. FISCHER, Mr. SCOTT, Mr. ISAKSON, Mr. COATS, Mr. INHOFE, Mr. BOOZMAN, Mr. ENZI, Mr. JOHNSON, Mr. THUNE, Mr. SASSE, Mr. BARRASSO, Mr. ROBERTS, Mr. DAINES, and Mr. CRUZ):

S. 1881. A bill to prohibit Federal funding of Planned Parenthood Federation of America; read the first time.

By Mr. CARDIN (by request):

S.J. Res. 20. A joint resolution relating to the approval of the proposed Agreement for Cooperation Between the United States of America and the Government of the Republic of Korea Concerning Peaceful Uses of Nuclear Energy; to the Committee on Foreign Relations.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. HIRONO (for herself, Mr. SCHUMER, and Mr. SCHATZ):

S. Res. 233. A resolution recognizing July 28, 2015, as "World Hepatitis Day"; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself, Mrs. MURRAY, Ms. AYOTTE, Ms. MURKOWSKI, Ms. COLLINS, Mr. KIRK, Mr. ROUNDS, Mr. COCHRAN, Mr. RUBIO, Mr. Kaine, Ms. BALDWIN, Ms. CANTWELL, Mrs. BOXER, Mr. BROWN, Ms. MIKULSKI, Mr. LEAHY, Mr. CASEY, Mr. DURBIN, Mr. SCHUMER, Mrs. FEINSTEIN, Mr. KING, Mrs. SHAHEEN, Mr. FRANKEN, Ms. KLOBUCHAR, Mr. MARKEY, Ms. HEITKAMP, Mr. BENNET, Mr. BLUMENTHAL, Mr. MENENDEZ, Ms. STABENOW, Ms. WARREN, Mr. ALEXANDER, Mr. WHITEHOUSE, Ms. HIRONO, Mr. REED, and Mr. CARDIN):

S. Con. Res. 20. A concurrent resolution recognizing and honoring the 25th anniversary of the date of enactment of the Americans with Disabilities Act of 1990; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 174

At the request of Mr. WHITEHOUSE, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 174, a bill to end offshore tax abuses, to preserve our national defense and protect American families and businesses from devastating cuts, and for other purposes.

S. 242

At the request of Mr. TESTER, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 242, a bill to amend title 5, United States Code, to provide leave to any new Federal employee who is a veteran with a service-connected disability rated at 30 percent or more for purposes of undergoing medical treatment for such disability, and for other purposes.

S. 258

At the request of Mr. ROBERTS, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 258, a bill to amend title XVIII of the Social Security Act to remove the 96-hour physician certification requirement for inpatient critical access hospital services.

S. 271

At the request of Mr. REID, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 271, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 314

At the request of Mr. GRASSLEY, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 314, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of pharmacist services.

S. 338

At the request of Mr. BURR, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 338, a bill to permanently reauthorize the Land and Water Conservation Fund.

S. 498

At the request of Mr. CORNYN, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 498, a bill to allow reciprocity for the carrying of certain concealed firearms.

S. 539

At the request of Mr. CARDIN, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of S. 539, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 559

At the request of Mr. BURR, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 559, a bill to prohibit the Secretary of Education from engaging in regulatory overreach with regard to institutional eligibility under title IV of the Higher Education Act of 1965, and for other purposes.

S. 590

At the request of Mrs. MCCASKILL, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 590, a bill to amend the Higher Education Act of 1965 and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act to combat campus sexual violence, and for other purposes.

S. 598

At the request of Mr. CARDIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 598, a bill to improve the understanding of, and promote access to treatment for, chronic kidney disease, and for other purposes.

S. 637

At the request of Mr. CRAPO, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 637, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 661

At the request of Mrs. MURRAY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 661, a bill to amend the Internal Revenue Code of 1986 to enhance the dependent care tax credit, and for other purposes.

S. 683

At the request of Mr. BOOKER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 683, a bill to extend the principle of federalism to State drug policy, provide access to medical marijuana, and enable research into the medicinal properties of marijuana.

S. 689

At the request of Mr. THUNE, the name of the Senator from Arkansas

(Mr. COTTON) was added as a cosponsor of S. 689, a bill to provide protections for certain sports medicine professionals who provide certain medical services in a secondary State.

S. 798

At the request of Mr. VITTER, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 798, a bill to provide for notice to, and input by, State insurance commissioners when requiring an insurance company to serve as a source of financial strength or when the Federal Deposit Insurance Corporation places a lien against an insurance company's assets, and for other purposes.

S. 799

At the request of Mr. MCCONNELL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 799, a bill to combat the rise of prenatal opioid abuse and neonatal abstinence syndrome.

S. 804

At the request of Ms. COLLINS, the names of the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of S. 804, a bill to amend title XVIII of the Social Security Act to specify coverage of continuous glucose monitoring devices, and for other purposes.

S. 812

At the request of Mr. MORAN, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 812, a bill to enhance the ability of community financial institutions to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes.

S. 890

At the request of Ms. CANTWELL, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 890, a bill to amend title 54, United States Code, to provide consistent and reliable authority for, and for the funding of, the Land and Water Conservation Fund to maximize the effectiveness of the Fund for future generations, and for other purposes.

S. 968

At the request of Mr. CASSIDY, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 968, a bill to require the Commissioner of Social Security to revise the medical and evaluation criteria for determining disability in a person diagnosed with Huntington's Disease and to waive the 24-month waiting period for Medicare eligibility for individuals disabled by Huntington's Disease.

S. 1000

At the request of Mr. RISCH, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of S. 1000, a bill to strengthen resources for entrepreneurs by improving the SCORE program, and for other purposes.

S. 1073

At the request of Mr. CARPER, the name of the Senator from Wisconsin

(Ms. BALDWIN) was added as a cosponsor of S. 1073, a bill to amend the Improper Payments Elimination and Recovery Improvement Act of 2012, including making changes to the Do Not Pay initiative, for improved detection, prevention, and recovery of improper payments to deceased individuals, and for other purposes.

S. 1086

At the request of Mr. HELLER, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 1086, a bill to establish an insurance policy advisory committee on international capital standards, and for other purposes.

S. 1089

At the request of Mr. HATCH, the names of the Senator from New Hampshire (Ms. AYOTTE) and the Senator from New Jersey (Mr. BOOKER) were added as cosponsors of S. 1089, a bill to encourage and support partnerships between the public and private sectors to improve our Nation's social programs, and for other purposes.

S. 1099

At the request of Mrs. SHAHEEN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 1099, a bill to amend the Patient Protection and Affordable Care Act to provide States with flexibility in determining the size of employers in the small group market.

S. 1190

At the request of Mrs. CAPITO, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of S. 1190, a bill to amend title XVIII of the Social Security Act to ensure equal access of Medicare beneficiaries to community pharmacies in underserved areas as network pharmacies under Medicare prescription drug coverage, and for other purposes.

S. 1212

At the request of Mr. CARDIN, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 1212, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 1345

At the request of Mrs. SHAHEEN, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 1345, a bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by authorizing certified diabetes educators to provide diabetes self-management training services, including as part of telehealth services, under part B of the Medicare program.

S. 1358

At the request of Ms. MURKOWSKI, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1358, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to inter

in national cemeteries individuals who supported the United States in Laos during the Vietnam War era.

S. 1632

At the request of Ms. COLLINS, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1632, a bill to require a regional strategy to address the threat posed by Boko Haram.

S. 1756

At the request of Mrs. SHAHEEN, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 1756, a bill to help small businesses take advantage of energy efficiency.

S. 1762

At the request of Mr. CRUZ, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1762, a bill to amend the Immigration and Nationality Act to increase the penalties applicable to aliens who unlawfully reenter the United States after being removed.

S. 1812

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1812, a bill to protect public safety by incentivizing State and local law enforcement to cooperate with Federal immigration law enforcement to prevent the release of criminal aliens into communities.

S. 1818

At the request of Mr. LANKFORD, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 1818, a bill to amend title 5, United States Code, to reform the rule making process of agencies.

S. 1820

At the request of Mr. LANKFORD, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 1820, a bill to require agencies to publish an advance notice of proposed rule making for major rules.

S. 1836

At the request of Mr. LANKFORD, the name of the Senator from Nebraska (Mr. SASSE) was added as a cosponsor of S. 1836, a bill to provide for a moratorium on Federal funding for Planned Parenthood Federation of America, Inc.

S. 1842

At the request of Mr. SESSIONS, the names of the Senator from South Carolina (Mr. SCOTT) and the Senator from Georgia (Mr. PERDUE) were added as cosponsors of S. 1842, a bill to ensure State and local compliance with all Federal immigration detainers on aliens in custody and for other purposes.

S. 1844

At the request of Mr. HOEVEN, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from Oregon (Mr. WYDEN), the Senator from Washington (Mrs. MURRAY), the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Wisconsin (Ms.

BALDWIN) were added as cosponsors of S. 1844, a bill to amend the Agricultural Marketing Act of 1946 to provide for voluntary country of origin labeling for beef, pork, and chicken.

S. 1857

At the request of Mrs. FISCHER, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 1857, a bill to amend the Small Business Act to provide for expanded participation in the microloan program, and for other purposes.

S. 1861

At the request of Mr. PAUL, the names of the Senator from South Dakota (Mr. ROUNDS) and the Senator from Nebraska (Mr. SASSE) were added as cosponsors of S. 1861, a bill to prohibit Federal funding of Planned Parenthood Federation of America.

S. 1863

At the request of Mr. KIRK, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1863, a bill to award a Congressional Gold Medal to Timothy Nugent, in recognition of his pioneering work on behalf of people with disabilities, including disabled veterans.

S. 1866

At the request of Mr. VITTER, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 1866, a bill to establish the veterans' business outreach center program, to improve the programs for veterans of the Small Business Administration, and for other purposes.

S. RES. 189

At the request of Mr. WHITEHOUSE, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 189, a resolution expressing the sense of the Senate regarding the 25th anniversary of democracy in Mongolia.

S. RES. 232

At the request of Mr. BOOZMAN, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from South Carolina (Mr. SCOTT) were added as cosponsors of S. Res. 232, a resolution expressing the sense of the Senate that August 30, 2015, be observed as "1890 Land-Grant Institutions Quasiquicentennial Recognition Day".

AMENDMENT NO. 2287

At the request of Mr. MARKEY, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of amendment No. 2287 intended to be proposed to H.R. 22, a bill to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act.

AMENDMENT NO. 2288

At the request of Mr. MARKEY, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of

AMENDMENT NO. 2472

AMENDMENT NO. 2289

AMENDMENT NO. 2425

AMENDMENT NO. 2426

AMENDMENT NO. 2427

AMENDMENT NO. 2428

AMENDMENT NO. 2467

AMENDMENT NO. 2479

AMENDMENT NO. 2480

AMENDMENT NO. 2481

At the request of Mr. BROWN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of amendment No. 2481 intended to be proposed to H.R. 22, a bill to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act.



## AMENDMENT NO. 2483

At the request of Mr. BROWN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a co-sponsor of amendment No. 2483 intended to be proposed to H.R. 22, a bill to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act.

## AMENDMENT NO. 2488

At the request of Mr. BROWN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a co-sponsor of amendment No. 2488 intended to be proposed to H.R. 22, a bill to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE (for himself, Mr. MCCAIN, and Mr. ROUNDS):

S. 1877. A bill to require the Attorney General to appoint a special prosecutor to investigate Planned Parenthood, and for other purposes; to the Committee on the Judiciary.

Mr. INHOFE. Mr. President, we have all been disturbed—just really outraged—about the things that have come from Planned Parenthood recently. We have seen the videos exposing their casual disregard of human life. It is unconscionable. It is very sad. We have known this for a long time. The junior Senator, Mr. LANKFORD, back when he was in the House of Representatives was introducing bills to defund Planned Parenthood, and that was before the most recent events that have happened.

The Center For Medical Progress spent 3 years investigating Planned Parenthood and produced at least three videos revealing what appears to be an intentional and illegal harvesting of body parts from aborted babies.

There are countries such as China that condone killing children, but our Nation should not be condoning the act of killing our own children or allowing these corrupt organizations to sell body parts for profit. There was a book that was written that I remember very well entitled “Modernizing China” by Anthony Kubek. This was 30 years ago, when there was still a separation between China and Taiwan. They talked about at that time having a limit on how many babies people could have. They would go in and find out that there was one more child than they should have had, and they would take that baby and kill it. Of course, the

harvesting of body parts was taking place there. That was China. This is America. It is hard to believe this could be happening.

It is not about being pro-life or pro-choice anymore; it is about our country's moral conscience. If Planned Parenthood has either profited from selling aborted babies' organs or they have modified procedures used to conduct an abortion for the purposes of obtaining body parts, then they have broken the law.

In fact, the National Institutes of Health Revitalization Act of 1993 states that “no alteration of the timing, method or procedures used to terminate the pregnancy [may be] made solely for the purposes of obtaining tissue.” That includes arms, legs, kidneys, and body parts, but this is exactly what Planned Parenthood has admitted to doing in these videos.

The Federal law also states it is unlawful to sell human fetal tissue. Title 42 of the U.S. Code, section 289g-2(a) states: “It shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration if the transfer affects interstate commerce.” Again, it is illegal.

Based on the evidence in these videos, particularly with the Planned Parenthood employees haggling and negotiating over prices, joking about it, and using the income of the dead babies' body parts to buy a Lamborghini—some kind of automobile—it seems as if it is commonplace. There is a total disregard for the babies or what they were doing.

My colleague Senator ERNST of Iowa and I, along with others in the Senate, wrote to the Department of Health and Human Services requesting answers to these questions.

One thing that is important to note is that Planned Parenthood receives \$1.4 million of taxpayers' money every day. It is unthinkable that they are being supported by the taxpayers in the United States, according to their 2013-2014 annual report. They received 528.4 million taxpayer dollars and then performed and profited from illegal and immoral actions taking the lives of innocent babies. This is so incredibly evil it is even hard to talk about.

We are talking about women being manipulated into putting their health on the line for a government-funded organization to profit from harvesting their child's body. Vulnerable women are being coerced into having abortions and delaying the abortions until the baby has grown to the age within the womb that they would have fully developed body parts in order to sell. This is what is happening today.

Planned Parenthood fights to keep mothers from seeing the human value of their babies with an ultrasound. They don't want the mother to hear the baby inside their womb with an ultrasound, but they will use the same technology to guide them to more valuable organs as they perform abortions

for monetary gain. These actions deserve to be fully investigated. Crimes have been committed. It is our moral obligation to fully prosecute any violations of the law.

Today I have introduced legislation that would require the appointment of a special prosecutor to investigate and prosecute these atrocities. To pay for this, the legislation would rescind all moneys that have been appropriated to Planned Parenthood and provide the special prosecutor with as much of this money to conduct the investigation as is necessary.

We have to protect innocent lives. Now that this has opened the door to a reality that has been suspected for so many years, this Senator wants America and the world to know that endangering women's health and profiting from killing children is not acceptable.

The video just released today shows a lab technician placing and celebrating the monetary value of a baby's arms, legs, kidneys, and spinal cord as they pulled apart its body.

The bill is S. 1877. We have gotten a lot of calls about it. I didn't want to let this opportunity go by without coming to the floor and getting something started to do something to stop the barbaric acts we are seeing on behalf of Planned Parenthood.

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 233—RECOGNIZING JULY 28, 2015, AS “WORLD HEPATITIS DAY”

Ms. HIRONO (for herself, Mr. SCHUMER, and Mr. SCHATZ) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

## S. RES. 233

Whereas hepatitis B and hepatitis C, and the incidence of liver disease caused by these viruses, have become urgent problems of a global proportion;

Whereas an estimated 350,000,000 people worldwide live with chronic hepatitis B, and an estimated 780,000 people worldwide die each year due to hepatitis B;

Whereas an estimated 150,000,000 people worldwide are chronically infected with hepatitis C, and an estimated 500,000 people worldwide die each year due to a liver-related illness caused by hepatitis C;

Whereas an estimated 1,000,000 people worldwide die each year due to liver failure or primary liver cancer resulting from a chronic infection of hepatitis;

Whereas an estimated 5,300,000 people in the United States are infected with either hepatitis B or hepatitis C, including 1,400,000 people who are chronically infected with hepatitis B and 2,700,000 people who are chronically infected with hepatitis C;

Whereas the Centers for Disease Control and Prevention (referred to in this preamble as “CDC”) estimated that there were 19,764 new hepatitis B infections and 29,718 new hepatitis C infections, respectively, in the United States in 2013;

Whereas the CDC has found significant increases in the transmission of new hepatitis cases in the United States since 2010, including a 151 percent increase between 2010 and

2013 in new transmissions of hepatitis C in the United States;

Whereas chronic viral hepatitis claims thousands of lives each year in the United States, with 19,368 deaths due to hepatitis C in the United States in 2013;

Whereas, in 2014, \$4,500,000,000 in Medicare funds were spent on hepatitis C treatments;

Whereas a person who has become chronically infected with hepatitis B or hepatitis C may not have symptoms for up to 40 years after the initial infection occurred;

Whereas African Americans, Asian Americans, Pacific Islanders, Latinos, Native Americans, Alaska Natives, gay and bisexual men, and persons who inject drugs intravenously all have higher rates of chronic viral hepatitis infections in the United States than other groups of people;

Whereas Asian Americans and Pacific Islanders bear the greatest burden of hepatitis B related deaths in the United States;

Whereas hepatitis C is 10 times more infectious than human immunodeficiency virus (referred to in this preamble as “HIV”);

Whereas hepatitis B is 50 to 100 times more infectious than HIV;

Whereas an estimated 25 percent of people who live in the United States and are infected with HIV are also infected with hepatitis C;

Whereas life expectancies for persons infected with HIV have increased with antiretroviral treatment, and liver disease, much of which is related to hepatitis B and hepatitis C infections, has become the most common cause of death among this population that is not related to acquired immune deficiency syndrome;

Whereas, despite the fact that chronic viral hepatitis is the most common blood-borne infection in the United States, 65 percent of people living with hepatitis B and an estimated 75 percent of people living with hepatitis C are unaware of their infection;

Whereas hepatitis B is preventable through vaccination, and both hepatitis B and hepatitis C are preventable with proper public health interventions, including programs that offer access to sterile injection equipment for people who inject drugs intravenously;

Whereas effective and safe treatment is available for people living with hepatitis B and hepatitis C, including new curative treatments for hepatitis C; and

Whereas the goals of “World Hepatitis Day” on July 28, 2015, are to—

(1) highlight the global nature of chronic viral hepatitis epidemics;

(2) recognize that hepatitis can be prevented and eliminated in part through a comprehensive public education and awareness campaign designed to identify those at risk for, and living with, hepatitis;

(3) inform patients about new treatments that are available for hepatitis; and

(4) help increase the length and quality of life for people diagnosed with chronic hepatitis B and hepatitis C infections: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes July 28, 2015, as “World Hepatitis Day”;

(2) supports broad access to hepatitis B and hepatitis C treatments;

(3) supports raising awareness of the risks and consequences of undiagnosed chronic hepatitis B and hepatitis C infections; and

(4) calls for a robust governmental and public health response to protect the health of the approximately 5,000,000 people in the United States and 400,000,000 people worldwide who suffer from chronic viral hepatitis.

# SENATE CONCURRENT RESOLUTION 20—RECOGNIZING AND HONORING THE 25TH ANNIVERSARY OF THE DATE OF ENACTMENT OF THE AMERICANS WITH DISABILITIES ACT OF 1990

Mr. HATCH (for himself, Mrs. MURRAY, Ms. AYOTTE, Ms. MURKOWSKI, Ms. COLLINS, Mr. KIRK, Mr. ROUNDS, Mr. COCHRAN, Mr. RUBIO, Mr. KAINE, Ms. BALDWIN, Ms. CANTWELL, Mrs. BOXER, Mr. BROWN, Ms. MIKULSKI, Mr. LEAHY, Mr. CASEY, Mr. DURBIN, Mr. SCHUMER, Mrs. FEINSTEIN, Mr. KING, Mrs. SHAHEEN, Mr. FRANKEN, Ms. KLOBUCHAR, Mr. MARKEY, Ms. HEITKAMP, Mr. BENNETT, Mr. BLUMENTHAL, Mr. MENENDEZ, Ms. STABENOW, Ms. WARREN, Mr. ALEXANDER, Mr. WHITEHOUSE, Ms. HIRONO, Mr. REED of Rhode Island, and Mr. CARDIN) submitted the following concurrent resolution; which was considered and agreed to:

## S. CON. RES. 20

Whereas, July 26, 2015, marks the 25th anniversary of the date of enactment of the Americans with Disabilities Act of 1990 (referred to in this preamble as the “ADA”);

Whereas the ADA has been one of the most significant and effective civil rights laws passed by Congress;

Whereas, prior to the date of enactment of the ADA, individuals with disabilities were too often denied the opportunity to fully participate in society due to intolerance, misunderstanding, ignorance, or unfair stereotypes;

Whereas the dedicated efforts of passionate and courageous disability rights advocates served to awaken Congress and the people of the United States to the discrimination and prejudice that individuals with disabilities face;

Whereas Congress worked in a bipartisan manner to craft legislation to make discrimination against individuals with disabilities illegal;

Whereas Congress passed the ADA, and President George Herbert Walker Bush signed the ADA into law on July 26, 1990;

Whereas the purpose of the ADA is to fulfill the goals of opportunity, independent living, integration, and economic self-sufficiency for individuals with disabilities who live in the United States;

Whereas the ADA—

(1) prohibits employers from discriminating against qualified individuals with disabilities;

(2) requires that State and local governmental entities accommodate qualified individuals with disabilities;

(3) requires a place of public accommodation to take reasonable steps to ensure that the goods and services it provides are accessible to individuals with disabilities; and

(4) requires new trains and buses to be accessible to individuals with disabilities;

Whereas the ADA has played a historic role in allowing more than 55,000,000 individuals in the United States who have disabilities to better participate in society by removing barriers to employment, transportation, public services, telecommunications, and public accommodations;

Whereas the ADA has served as a model for disability rights in other countries;

Whereas every individual in the United States, not just those with disabilities, benefits from the accommodations that have become commonplace since the passage of the ADA, including curb cuts at street intersections, ramps for access to buildings, and other accommodations that provide access to

public transportation, stadiums, telecommunications, voting machines, and websites;

Whereas, 25 years after the date of enactment of the ADA, it remains a crucial tool, as children and adults with disabilities still experience barriers that interfere with their full participation in mainstream life in the United States;

Whereas, 25 years after the date of enactment of the ADA, individuals in the United States who have disabilities are twice as likely to live in poverty than individuals without disabilities, and individuals with disabilities continue to experience high rates of unemployment and underemployment;

Whereas, 25 years after the date of enactment of the ADA and 16 years after the Supreme Court issued the decision in *Olmstead v. L.C.*, many individuals with disabilities still live and work in segregated and institutional settings because of a lack of access to support services that would allow such individuals to live and work in their community;

Whereas, 25 years after the date of enactment of the ADA, the ADA remains a crucial tool for individuals with disabilities who experience barriers to accessibility in telecommunications and information technologies; and

Whereas the United States has a responsibility to welcome back and create opportunities for the tens of thousands of working-age veterans who have been wounded in action or have suffered injuries or illnesses related to their service in the Global War on Terror: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That Congress—

(1) recognizes and honors the 25th anniversary of the date of enactment of the Americans with Disabilities Act of 1990;

(2) salutes everyone whose efforts contributed to the enactment of the Americans with Disabilities Act of 1990;

(3) encourages everyone in the United States to celebrate the advancement of freedom and the expansion of opportunity made possible by the enactment of the Americans with Disabilities Act of 1990; and

(4) pledges to continue to work on a bipartisan basis to support opportunity, independent living, economic self-sufficiency, and the full participation of individuals in the United States who have disabilities.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 2538. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill H.R. 22, to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act; which was ordered to lie on the table.

SA 2539. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill H.R. 22, *supra*; which was ordered to lie on the table.

SA 2540. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 22, *supra*; which was ordered to lie on the table.

SA 2541. Mr. MCCONNELL (for Mr. CARPER (for himself and Mr. JOHNSON)) proposed an amendment to the bill S. 614, to provide access to and use of information by Federal agencies in order to reduce improper payments, and for other purposes.

## TEXT OF AMENDMENTS

**SA 2538.** Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill H.R. 22, to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

On page 757, after line 21, add the following:

**SEC. 35416. BRIDGE INSPECTION REPORTS.**

Section 417(d) of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20103 note) is amended—

(1) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”; and

(2) by adding at the end the following:

“(2) AVAILABILITY OF BRIDGE INSPECTION REPORTS.—The Administrator of the Federal Railroad Administration shall—

“(A) maintain a copy of the most recent bridge inspection reports prepared in accordance with section (b)(5); and

“(B) provide copies of the reports described in subparagraph (A) to appropriate State and local government transportation officials, upon request.”.

**SA 2539.** Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill H.R. 22, to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

On page 767, line 13, strike “(3)” and insert the following:

(3) upon the request of each State, political subdivision of a State, or public agency responsible for emergency response or law enforcement, to require each applicable fusion center to provide advance notice for each high-hazard flammable train traveling through the jurisdiction of each State, political subdivision of a State, or public agency, which notice shall include the electronic train consist information described in paragraph (1)(A) for the high-hazard flammable train, and to the extent practicable, for requesting States, political subdivisions, or public agencies, to ensure that the fusion center shall provide at least 12 hours of advance notice for a high-hazard flammable train that will be traveling through the jurisdiction of the State, political subdivision of a State, or public agency, and include within the notice its best estimate of the time the train will enter the jurisdiction;

(4)

**SA 2540.** Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 22, to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act; which

was ordered to lie on the table; as follows:

At the end of division F, add the following:

**TITLE LXIII—TRANSPORTATION  
EMPOWERMENT ACT**

**SEC. 63001. SHORT TITLE.**

This title may be cited as the “Transportation Empowerment Act”.

**SEC. 63002. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) the objective of the Federal highway program has been to facilitate the construction of a modern freeway system that promotes efficient interstate commerce by connecting all States;

(2) the objective described in paragraph (1) has been attained, and the Interstate System connecting all States is near completion;

(3) each State has the responsibility of providing an efficient transportation network for the residents of the State;

(4) each State has the means to build and operate a network of transportation systems, including highways, that best serves the needs of the State;

(5) each State is best capable of determining the needs of the State and acting on those needs;

(6) the Federal role in highway transportation has, over time, usurped the role of the States by taxing motor fuels used in the States and then distributing the proceeds to the States based on the perceptions of the Federal Government on what is best for the States;

(7) the Federal Government has used the Federal motor fuels tax revenues to force all States to take actions that are not necessarily appropriate for individual States;

(8) the Federal distribution, review, and enforcement process wastes billions of dollars on unproductive activities;

(9) Federal mandates that apply uniformly to all 50 States, regardless of the different circumstances of the States, cause the States to waste billions of hard-earned tax dollars on projects, programs, and activities that the States would not otherwise undertake; and

(10) Congress has expressed a strong interest in reducing the role of the Federal Government by allowing each State to manage its own affairs.

(b) PURPOSES.—The purposes of this title are—

(1) to provide a new policy blueprint to govern the Federal role in transportation once existing and prior financial obligations are met;

(2) to return to the individual States maximum discretionary authority and fiscal responsibility for all elements of the national surface transportation systems that are not within the direct purview of the Federal Government;

(3) to preserve Federal responsibility for the Dwight D. Eisenhower National System of Interstate and Defense Highways;

(4) to preserve the responsibility of the Department of Transportation for—

(A) design, construction, and preservation of transportation facilities on Federal public land;

(B) national programs of transportation research and development and transportation safety; and

(C) emergency assistance to the States in response to natural disasters;

(5) to eliminate to the maximum extent practicable Federal obstacles to the ability of each State to apply innovative solutions to the financing, design, construction, operation, and preservation of Federal and State transportation facilities; and

(6) with respect to transportation activities carried out by States, local govern-

ments, and the private sector, to encourage—

(A) competition among States, local governments, and the private sector; and

(B) innovation, energy efficiency, private sector participation, and productivity.

**SEC. 63003. FUNDING LIMITATION.**

Notwithstanding any other provision of law, if the Secretary of Transportation determines for any of fiscal years 2022 through 2026 that the aggregate amount required to carry out transportation programs and projects under this title and amendments made by this title exceeds the estimated aggregate amount in the Highway Trust Fund available for those programs and projects for the fiscal year, each amount made available for that program or project shall be reduced by the pro rata percentage required to reduce the aggregate amount required to carry out those programs and projects to an amount equal to that available for those programs and projects in the Highway Trust Fund for the fiscal year.

**SEC. 63004. FUNDING FOR CORE HIGHWAY PROGRAMS.**

(a) IN GENERAL.—

(1) AUTHORIZATION OF APPROPRIATIONS.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(A) FEDERAL-AID HIGHWAY PROGRAM, ETC.—For the national highway performance program under section 119 of title 23, United States Code, the surface transportation program under section 133 of that title, and the highway safety improvement program under section 148 of that title, for each of fiscal years 2022 through 2026, an aggregate amount not to exceed 10 percent of the balance of the Highway Trust Fund (other than such Mass Transit Account) as estimated (taking into account estimated revenues) at the beginning of each such fiscal year.

(B) EMERGENCY RELIEF.—For emergency relief under section 125 of title 23, United States Code, \$100,000,000 for each of fiscal years 2022 through 2026.

(C) FEDERAL LANDS PROGRAMS.—

(i) FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Federal lands transportation program under section 203 of title 23, United States Code, \$300,000,000 for each of fiscal years 2022 through 2026, of which \$240,000,000 of the amount made available for each fiscal year shall be the amount for the National Park Service and \$30,000,000 of the amount made available for each fiscal year shall be the amount for the United States Fish and Wildlife Service.

(ii) FEDERAL LANDS ACCESS PROGRAM.—For the Federal lands access program under section 204 of title 23, United States Code, \$250,000,000 for each of fiscal years 2022 through 2026.

(D) ADMINISTRATIVE EXPENSES.—Section 104(a) of title 23, United States Code, is amended by striking paragraph (1) and inserting the following:

“(1) AUTHORIZATION OF APPROPRIATIONS.—

“(A) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for each of fiscal years 2022 through 2026, to be made available to the Secretary for administrative expenses of the Federal Highway Administration, an amount equal to 1 percent of the balance of the Highway Trust Fund (other than such Mass Transit Account) as estimated (taking into account estimated revenues) at the beginning of each such fiscal year.

“(B)(i) Notwithstanding any other provision of law, it shall not be in order in the Senate or the House of Representatives to consider any measure that would make available for expenditure from the Highway

Trust Fund (other than the Mass Transit Account) for a fiscal year an amount less than the amount authorized under subparagraph (A) for such fiscal year.

“(ii)(I) Clause (i) may be waived or suspended in the Senate only by the affirmative vote of  $\frac{3}{5}$  of the Members, duly chosen and sworn.

“(II) Debate on appeals in the Senate from the decisions of the Chair relating to subclause (I) shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the measure that would make available for expenditure from the Fund for a fiscal year an amount less than the amount described in subparagraph (A). An affirmative vote of  $\frac{3}{5}$  of the Members, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised in relation to subclause (I).

“(iii) This subparagraph is enacted by Congress—

“(I) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with those rules; and

“(II) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.”.

(2) TRANSFERABILITY OF FUNDS.—Section 104 of title 23, United States Code, is amended by striking subsection (f) and inserting the following:

“(f) TRANSFERABILITY OF FUNDS.—

“(1) IN GENERAL.—To the extent that a State determines that funds made available under this title to the State for a purpose are in excess of the needs of the State for that purpose, the State may transfer the excess funds to, and use the excess funds for, any surface transportation (including mass transit and rail) purpose in the State.

“(2) ENFORCEMENT.—If the Secretary determines that a State has transferred funds under paragraph (1) to a purpose that is not a surface transportation purpose as described in paragraph (1), the amount of the improperly transferred funds shall be deducted from any amount the State would otherwise receive from the Highway Trust Fund for the fiscal year that begins after the date of the determination.”.

(3) FEDERAL-AID SYSTEM.—

(A) IN GENERAL.—Section 103(a) of title 23, United States Code, is amended by striking “the National Highway System, which includes”.

(B) CONFORMING AMENDMENTS.—Chapter 1 of title 23, United States Code, is amended—

(i) in section 103 by striking the section designation and heading and inserting the following:

**“§ 103. Federal-aid system”;**

and

(ii) in the analysis by striking the item relating to section 103 and inserting the following:

“103. Federal-aid system.”.

(4) CALCULATION OF STATE AMOUNTS.—Section 104(c)(2) of title 23, United States Code, is amended—

(A) in the paragraph heading by striking “FOR FISCAL YEAR 2014” and inserting “SUBSEQUENT FISCAL YEARS”; and

(B) in subparagraph (A) by striking “fiscal year 2014” and inserting “fiscal year 2022 and each subsequent fiscal year”.

(5) FEDERALIZATION AND DEFEDERALIZATION OF PROJECTS.—Notwithstanding any other provision of law, beginning on October 1, 2022—

(A) a highway construction or improvement project shall not be considered to be a Federal highway construction or improvement project unless and until a State expends Federal funds for the construction portion of the project;

(B) a highway construction or improvement project shall not be considered to be a Federal highway construction or improvement project solely by reason of the expenditure of Federal funds by a State before the construction phase of the project to pay expenses relating to the project, including for any environmental document or design work required for the project; and

(C)(i) a State may, after having used Federal funds to pay all or a portion of the costs of a highway construction or improvement project, reimburse the Federal Government in an amount equal to the amount of Federal funds so expended; and

(ii) after completion of a reimbursement described in clause (i), a highway construction or improvement project described in that clause shall no longer be considered to be a Federal highway construction or improvement project.

(6) REPORTING REQUIREMENTS.—No reporting requirement, other than a reporting requirement in effect as of the date of enactment of this Act, shall apply on or after October 1, 2022, to the use of Federal funds for highway projects by a public-private partnership.

(b) EXPENDITURES FROM HIGHWAY TRUST FUND.—

(1) EXPENDITURES FOR CORE PROGRAMS.—Section 9503(c) of the Internal Revenue Code of 1986 is amended—

(A) in paragraph (1), as amended by division G and section 5101(a)—

(i) by striking “October 1, 2021” and inserting “October 1, 2026”; and

(ii) by striking “DRIVE Act” and inserting “Transportation Empowerment Act”;

(B) in paragraph (2), as amended by section 51102(e)(1)(B), by striking “July 1, 2024” and inserting “July 1, 2030”; and

(C) in paragraph (5), by striking “October 1, 2011” and inserting “October 1, 2026”.

(2) AMOUNTS AVAILABLE FOR CORE PROGRAM EXPENDITURES.—Section 9503 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(g) CORE PROGRAMS FINANCING RATE.—For purposes of this section—

“(1) IN GENERAL.—Except as provided in paragraph (2)—

“(A) in the case of gasoline and special motor fuels the tax rate of which is the rate specified in section 4081(a)(2)(A)(i), the core programs financing rate is—

“(i) after September 30, 2022, and before October 1, 2023, 18.3 cents per gallon,

“(ii) after September 30, 2023, and before October 1, 2024, 9.6 cents per gallon,

“(iii) after September 30, 2024, and before October 1, 2025, 6.4 cents per gallon,

“(iv) after September 30, 2025, and before October 1, 2026, 5.0 cents per gallon, and

“(v) after September 30, 2026, 3.7 cents per gallon, and

“(B) in the case of kerosene, diesel fuel, and special motor fuels the tax rate of which is the rate specified in section 4081(a)(2)(A)(iii), the core programs financing rate is—

“(i) after September 30, 2022, and before October 1, 2023, 24.3 cents per gallon,

“(ii) after September 30, 2023, and before October 1, 2024, 12.7 cents per gallon,

“(iii) after September 30, 2024, and before October 1, 2025, 8.5 cents per gallon,

“(iv) after September 30, 2025, and before October 1, 2026, 6.6 cents per gallon, and

“(v) after September 30, 2026, 5.0 cents per gallon.

“(2) APPLICATION OF RATE.—In the case of fuels used as described in paragraphs (3)(C), (4)(B), and (5) of subsection (c), the core programs financing rate is zero.”.

(c) TERMINATION OF MASS TRANSIT ACCOUNT.—Section 9503(e) of the Internal Revenue Code of 1986 is amended—

(1) in the first sentence of paragraph (2), by inserting “, and before October 1, 2022” after “March 31, 1983”; and

(2) by adding at the end the following:

“(6) TRANSFER TO HIGHWAY ACCOUNT.—On October 1, 2022, the Secretary shall transfer all amounts in the Mass Transit Account to the Highway Account.”.

(d) EFFECTIVE DATE.—The amendments and repeals made by this section shall take effect on October 1, 2023.

## SEC. 63005. FEDERAL-AID HIGHWAY PROGRAM.

(a) NATIONAL HIGHWAY PERFORMANCE PROGRAM.—

(1) IN GENERAL.—Section 119(d)(2) of title 23, United States Code, is amended—

(A) by striking subparagraph (H);

(B) by striking subparagraph (M);

(C) by striking subparagraph (O); and

(D) by redesignating subparagraphs (I), (J), (K), (L), (N), and (P) as subparagraphs (H), (I), (J), (K), (L), and (M), respectively.

(2) REPEAL OF ENVIRONMENTAL MITIGATION PROVISIONS.—Section 119 of title 23, United States Code, is amended by striking subsection (g).

(b) SURFACE TRANSPORTATION PROGRAM.—

(1) IN GENERAL.—Section 133(b) of title 23, United States Code, is amended—

(A) in paragraph (6), by striking “Carpool projects, fringe and corridor parking facilities and programs, including electric vehicle and natural gas infrastructure in accordance with section 137, bicycle transportation and pedestrian walkways in accordance with section 217, and the” and inserting “Any”;

(B) by striking paragraph (11);

(C) in paragraph (13), by adding a period at the end;

(D) by striking paragraph (14);

(E) by striking paragraph (17);

(F) in paragraph (24), by striking “data collection, maintenance, and integration” and inserting “the maintenance and integration of data”; and

(G) by redesignating paragraphs (12), (13), (15), (16), (18), (19), (20), (21), (22), (23), (24), (25), and (26) as paragraphs (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), and (23), respectively.

(2) REPEAL OF BRIDGES NOT ON FEDERAL-AID HIGHWAYS PROVISIONS.—Section 133 of title 23, United States Code, is amended—

(A) by striking subsection (g); and

(B) by redesignating subsection (h) as subsection (g).

(3) CONFORMING AMENDMENTS.—

(A) Section 101(a)(29)(F)(i) of title 23, United States Code, is amended by striking “133(b)(11), 328(a),” and inserting “328(a)”.

(B) Section 133(c) of title 23, United States Code, is amended—

(i) by striking paragraph (1);

(ii) in paragraph (2), by striking “(11), (20), (25), and (26)” and inserting “(17), (22), and (23)”;

(iii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(C) Section 165(c)(7) of title 23, United States Code, is amended by striking “(14), and (19)” and inserting “and (16)”.

(c) METROPOLITAN TRANSPORTATION PLAN-  
NING.—

(1) IN GENERAL.—Section 134 of title 23, United States Code, is repealed.

(2) CONFORMING AMENDMENTS.—

(A) The chapter analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 134.

(B) Section 2864(d)(2) of title 10, United States Code, is amended by inserting “(as in effect on the day before the date of enactment of the Transportation Empowerment Act)” after “title 23”.

(C) Section 103(b)(3) of title 23, United States Code, is amended by striking subparagraph (B) and inserting the following:

“(B) COOPERATION.—In proposing a modification under this paragraph, a State shall cooperate with local and regional officials.”.

(D) Section 104 of title 23, United States Code, is amended—

(i) in subsection (b)—

(I) in the matter preceding paragraph (1), by striking “, and to carry out section 134”; and

(II) by striking paragraph (5);

(ii) in subsection (d)(1)—

(I) by striking subparagraph (B);

(II) by striking “(A) USE.—”;

(III) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(IV) in subparagraph (A) (as so redesignated), by striking “clause (ii)” and inserting “subparagraph (B)”; and

(V) in subparagraphs (A) and (B) (as so redesignated), by inserting “(as in effect on the day before the date of enactment of the Transportation Empowerment Act)” after “subsection (b)(5)” each place it appears; and

(iii) in subsection (d)(2)—

(I) by striking “STATES.—” and all that follows through “The distribution” in subparagraph (A), in the matter preceding clause (i), and inserting “STATES.—The distribution”;

(II) in clause (ii), by striking “to carry out section 134 and”;

(III) by striking subparagraph (B); and

(IV) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and indenting appropriately.

(E) Section 106(h)(3)(C) of title 23, United States Code, is amended by striking “sections 134 and 135” and inserting “section 135”.

(F) Section 108(d)(5)(A) of title 23, United States Code, is amended by striking “sections 134 and 135” and inserting “section 135”.

(G) Section 119(d)(1)(B) of title 23, United States Code, is amended by striking “sections 134 and 135” and inserting “section 135”.

(H) Section 133(d) of title 23, United States Code, is amended—

(i) by striking paragraph (2);

(ii) in paragraph (5), by striking “sections 134 and 135” and inserting “section 135”; and

(iii) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

(I) Section 135 of title 23, United States Code, is amended—

(i) in subsection (a)—

(I) in paragraph (1)—

(aa) by striking “Subject to section 134, to” and inserting “To”; and

(bb) by inserting “(as in effect on the day before the date of enactment of the Transportation Empowerment Act)” after “section 134(a)”; and

(II) in paragraph (3), by inserting “(as in effect on the day before the date of enactment of the Transportation Empowerment Act)” after “section 134(a)”; and

(ii) in subsection (b)(1), by striking “with the transportation planning activities carried out under section 134 for metropolitan areas of the State and”;

(iii) in subsection (f)(2)—

(I) by striking subparagraph (A); and

(II) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively;

(iv) in subsection (g)—

(I) in paragraph (2)—

(aa) by striking subparagraph (A); and

(bb) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(II) in paragraph (8), by striking “and section 134”; and

(v) in subsection (j), by striking “and section 134” each place it appears.

(J) Section 137 of title 23, United States Code, is amended—

(i) by striking subsection (e); and

(ii) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(K) Section 142 of title 23, United States Code, is amended—

(i) by striking subsection (d); and

(ii) by redesignating subsections (e) through (i) as subsections (d) through (h), respectively.

(L) Section 168(a)(2)(A) of title 23, United States Code, is amended by striking “or a transportation plan developed under section 134”.

(M) Section 201(c)(1) of title 23, United States Code, is amended by striking “sections 134 and 135” and inserting “section 135”.

(N) Section 217(g)(1) of title 23, United States Code, is amended in the first sentence by striking “metropolitan planning organization and State in accordance with section 134 and 135, respectively” and inserting “State in accordance with section 135”.

(O) Section 327(a)(2)(B) of title 23, United States Code, is amended—

(i) in clause (iii), by striking “42 U.S.C. 13” and inserting “42 U.S.C.”; and

(ii) in clause (iv)(I), by striking “134 or”.

(P) Section 505 of title 23, United States Code, is amended—

(i) in subsection (a)(2)—

(I) by striking “metropolitan and”; and

(II) by striking “sections 134 and 135” and inserting “section 135”; and

(ii) in subsection (b)(2), by striking “sections 134 and 135” and inserting “section 135”.

(Q) Section 602(a)(3) of title 23, United States Code, is amended by striking “sections 134 and 135” and inserting “section 135”.

(R) Section 610(d)(5) of title 23, United States Code, is amended by striking “section 133(d)(3)” and inserting “section 133(d)(2)”.

(S) Section 174 of the Clean Air Act (42 U.S.C. 7504) is amended—

(i) in the fourth sentence of subsection (a), by striking “the metropolitan planning organization designated to conduct the continuing, cooperative and comprehensive transportation planning process for the area under section 134 of title 23, United States Code,”;

(ii) by striking subsection (b); and

(iii) by redesignating subsection (c) as subsection (b).

(T) Section 176(c) of the Clean Air Act (42 U.S.C. 7506(c)) is amended—

(i) in paragraph (7)(A), in the matter preceding clause (i), by striking “section 134(i) of title 23, United States Code, or”; and

(ii) in paragraph (9), by striking “section 134(i) of title 23, United States Code, or”.

(U) Section 182(c)(5) of the Clean Air Act (42 U.S.C. 7511a(c)(5)) is amended—

(i) by striking “(A) Beginning” and inserting “Beginning”; and

(ii) in the last sentence by striking “and with the requirements of section 174(b)”.

(V) Section 5304(i) of title 49, United States Code, is amended—

(i) by striking “sections 134 and 135” each place it appears and inserting “section 135”; and

(ii) by striking “this this” and inserting “this”.

(d) NATIONAL BRIDGE AND TUNNEL INVENTORY AND INSPECTION STANDARDS.—

(1) IN GENERAL.—Section 144 of title 23, United States Code, is amended—

(A) in subsection (e)(1) by inserting “on the Federal-aid system” after “any bridge”; and

(B) in subsection (f)(1) by inserting “on the Federal-aid system” after “construct any bridge”.

(2) REPEAL OF HISTORIC BRIDGES PROVISIONS.—Section 144(g) of title 23, United States Code, is repealed.

(e) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—

(1) IN GENERAL.—Section 148 of title 23, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (4)(B)—

(I) by striking clause (v); and

(II) by redesignating clauses (vi) through (xxiv) as clauses (v) through (xxiii), respectively;

(ii) in paragraph (8), by striking “bicyclist,”; and

(iii) by striking paragraphs (11) through (13);

(B) by striking subsections (b), (c), (d), (e), (f), (g), (h), and (i); and

(C) by redesignating subsection (j) as subsection (b).

(2) CONFORMING AMENDMENTS.—

(A) Section 101(a)(27) of title 23, United States Code, is amended by inserting “(as in effect on the day before the date of enactment of the Transportation Empowerment Act)” after “section 148(a)”.

(B) Section 402(b)(1)(F)(v) of title 23, United States Code, is amended by inserting “(as in effect on the day before the date of enactment of the Transportation Empowerment Act)” after “section 148(a)”.

(f) REPEAL OF CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

(1) IN GENERAL.—Section 149 of title 23, United States Code, is repealed.

(2) CONFORMING AMENDMENTS.—

(A) The chapter analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 149.

(B) Section 106(d) of title 23, United States Code, is amended in the matter preceding paragraph (1), by striking “section, section 133, or section 149” and inserting “section or section 133”.

(C) Section 150 of title 23, United States Code, is amended—

(i) in subsection (c)—

(I) by striking paragraph (5); and

(II) by redesignating paragraph (6) as paragraph (5); and

(ii) in subsection (d), by striking “(5), and (6)” and inserting “and (5)”.

(D) Section 322(h)(3) of title 23, United States Code, is amended by striking “and the congestion mitigation and air quality improvement program under section 149”.

(E) Section 505(a)(3) of title 23, United States Code, is amended by striking “149.”.

(g) REPEAL OF TRANSPORTATION ALTERNATIVES PROGRAM.—The following provisions are repealed:

(1) Section 213 of title 23, United States Code.

(2) The item relating to section 213 in the analysis for chapter 1 of title 23, United States Code.

(h) NATIONAL DEFENSE HIGHWAYS.—Section 311 of title 23, United States Code, is amended—

(1) in the first sentence, by striking “under subsection (a) of section 104 of this title” and inserting “to carry out this section”; and

(2) by striking the second sentence.

**SEC. 63006. FUNDING FOR HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out section 503(b) of title 23, United States Code, \$115,000,000 for each of fiscal years 2022 through 2026.

(b) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized to be appropriated by subsection (a) shall—

(1) be available for obligation in the same manner as if those funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project or activity carried out using those funds shall be 80 percent, unless otherwise expressly provided by this Act (including the amendments by this Act) or otherwise determined by the Secretary; and

(2) remain available until expended and not be transferable.

**SEC. 63007. RETURN OF EXCESS TAX RECEIPTS TO STATES.**

(a) IN GENERAL.—Section 9503(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(6) RETURN OF EXCESS TAX RECEIPTS TO STATES FOR SURFACE TRANSPORTATION PURPOSES.—

“(A) IN GENERAL.—On the first day of each of fiscal years 2023, 2024, 2025, and 2026, the Secretary, in consultation with the Secretary of Transportation, shall—

“(i) determine the excess (if any) of—

“(I) the amounts appropriated in such fiscal year to the Highway Trust Fund under subsection (b) which are attributable to the taxes described in paragraphs (1) and (2) thereof (after the application of paragraph (4) thereof) over the sum of—

“(II) the amounts so appropriated which are equivalent to—

“(aa) such amounts attributable to the core programs financing rate for such year, plus

“(bb) the taxes described in paragraphs (3)(C), (4)(B), and (5) of subsection (c), and

“(ii) allocate the amount determined under clause (i) among the States (as defined in section 101(a) of title 23, United States Code) for surface transportation (including mass transit and rail) purposes so that—

“(I) the percentage of that amount allocated to each State, is equal to

“(II) the percentage of the amount determined under clause (i)(I) paid into the Highway Trust Fund in the latest fiscal year for which such data are available which is attributable to highway users in the State.

“(B) ENFORCEMENT.—If the Secretary determines that a State has used amounts under subparagraph (A) for a purpose which is not a surface transportation purpose as described in subparagraph (A), the improperly used amounts shall be deducted from any amount the State would otherwise receive from the Highway Trust Fund for the fiscal year which begins after the date of the determination.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2022.

**SEC. 63008. REDUCTION IN TAXES ON GASOLINE, DIESEL FUEL, KEROSENE, AND SPECIAL FUELS FUNDING HIGHWAY TRUST FUND.**

(a) REDUCTION IN TAX RATE.—

(1) IN GENERAL.—Section 4081(a)(2)(A) of the Internal Revenue Code of 1986 is amended—

(A) in clause (i), by striking “18.3 cents” and inserting “3.7 cents”; and

(B) in clause (iii), by striking “24.3 cents” and inserting “5.0 cents”.

(2) CONFORMING AMENDMENTS.—

(A) Section 4081(a)(2)(D) of such Code is amended—

(i) by striking “19.7 cents” and inserting “4.1 cents”; and

(ii) by striking “24.3 cents” and inserting “5.0 cents”.

(B) Section 6427(b)(2)(A) of such Code is amended by striking “7.4 cents” and inserting “1.5 cents”.

(b) ADDITIONAL CONFORMING AMENDMENTS.—

(1) Section 4041(a)(1)(C)(iii)(I) of the Internal Revenue Code of 1986, as amended by section 51102(a)(1)(A), is amended by striking “7.3 cents per gallon (4.3 cents per gallon after September 30, 2023)” and inserting “1.4 cents per gallon (zero after September 30, 2023)”.

(2) Section 4041(a)(2)(B)(ii) of such Code is amended by striking “24.3 cents” and inserting “5.0 cents”.

(3) Section 4041(a)(3)(A) of such Code is amended by striking “18.3 cents” and inserting “3.7 cents”.

(4) Section 4041(m)(1) of such Code is amended—

(A) in subparagraph (A), as amended by section 51102(a)(2)(A), by striking “2023” and inserting “2028”; and

(B) in subparagraph (A)(i), by striking “9.15 cents” and inserting “1.8 cents”; and

(C) in subparagraph (A)(ii), by striking “11.3 cents” and inserting “2.3 cents”; and

(D) by striking subparagraph (B), as amended by section 51102(a)(1)(B), and inserting the following:

“(B) zero after September 30, 2028.”.

(5) Section 4081(d)(1) of such Code, as amended by section 51102(a)(1)(C), is amended by striking “4.3 cents per gallon after September 30, 2023” and inserting “zero after September 30, 2028”.

(6) Section 9503(b) of such Code is amended—

(A) in paragraphs (1) and (2), as amended by section 51102(e)(1)(A)(i), by striking “October 1, 2023” both places it appears and inserting “October 1, 2028”; and

(B) in the heading of paragraph (2), as amended by section 51102(e)(1)(A)(ii), by striking “OCTOBER 1, 2023” and inserting “OCTOBER 1, 2028”;

(C) in paragraph (2), as amended by section 51102(e)(1)(A), by striking “after September 30, 2023, and before July 1, 2024” and inserting “after September 30, 2028, and before July 1, 2029”; and

(D) in paragraph (6)(B), as amended by division G, by striking “October 1, 2015” and inserting “October 1, 2020”.

(c) FLOOR STOCK REFUNDS.—

(1) IN GENERAL.—If—

(A) before October 1, 2028, tax has been imposed under section 4081 of the Internal Revenue Code of 1986 on any liquid; and

(B) on such date such liquid is held by a dealer and has not been used and is intended for sale;

there shall be credited or refunded (without interest) to the person who paid such tax (in this subsection referred to as the “taxpayer”) an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(2) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this subsection unless—

(A) claim therefor is filed with the Secretary of the Treasury before April 1, 2029; and

(B) in any case where liquid is held by a dealer (other than the taxpayer) on October 1, 2028—

(i) the dealer submits a request for refund or credit to the taxpayer before January 1, 2029; and

(ii) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer

or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(3) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this subsection with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(4) DEFINITIONS.—For purposes of this subsection, the terms “dealer” and “held by a dealer” have the respective meanings given to such terms by section 6412 of such Code; except that the term “dealer” includes a producer.

(5) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 and sections 6206 and 6675 of such Code shall apply for purposes of this subsection.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to fuel removed after September 30, 2023.

(2) CERTAIN CONFORMING AMENDMENTS.—

(A) The amendments made by subparagraphs (A), (B), and (C) of subsection (b)(6) shall take effect on October 1, 2023.

(B) The amendment made by subsection (b)(6)(D) shall take effect on October 1, 2022.

**SEC. 63009. REPORT TO CONGRESS.**

Not later than 180 days after the effective date of this title, after consultation with the appropriate committees of Congress, the Secretary of Transportation shall submit a report to Congress describing such technical and conforming amendments to titles 23 and 49, United States Code, and such technical and conforming amendments to other laws, as are necessary to bring those titles and other laws into conformity with the policy embodied in this title and the amendments made by this title.

**SEC. 63010. EFFECTIVE DATE CONTINGENT ON CERTIFICATION OF DEFICIT NEUTRALITY.**

(a) PURPOSE.—The purpose of this section is to ensure that—

(1) this title will become effective only if the Director of the Office of Management and Budget certifies that this title is deficit neutral;

(2) discretionary spending limits are reduced to capture the savings realized in devolving transportation functions to the State level pursuant to this title; and

(3) the tax reduction made by this title is not scored under pay-as-you-go and does not inadvertently trigger a sequestration.

(b) EFFECTIVE DATE CONTINGENCY.—Notwithstanding any other provision of this Act, this title and the amendments made by this title shall take effect on the later of—

(1)(A) the date on which the Director of the Office of Management and Budget (referred to in this section as the “Director”) submits the report as required in subsection (c); and

(B) the report contains a certification by the Director that, based on the required estimates, the reduction in discretionary outlays resulting from the reduction in contract authority is at least as great as the reduction in revenues for each fiscal year through fiscal year 2026; or

(2) October 1, 2022.

(c) OMB ESTIMATES AND REPORT.—

(1) REQUIREMENTS.—Not later than 5 calendar days after the effective date of this title, the Director shall—

(A) estimate the net change in revenues resulting from this title for each fiscal year through fiscal year 2026;

(B) estimate the net change in discretionary outlays resulting from the reduction in contract authority under this title for each fiscal year through fiscal year 2026;



(C) determine, based on those estimates, whether the reduction in discretionary outlays is at least as great as the reduction in revenues for each fiscal year through fiscal year 2026; and

(D) submit to Congress a report setting forth the estimates and determination.

(2) APPLICABLE ASSUMPTIONS AND GUIDELINES.—

(A) REVENUE ESTIMATES.—The revenue estimates required under paragraph (1)(A) shall be predicated on the same economic and technical assumptions and score keeping guidelines that would be used for estimates made pursuant to section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

(B) OUTLAY ESTIMATES.—The outlay estimates required under paragraph (1)(B) shall be determined by comparing the level of discretionary outlays resulting from this title with the corresponding level of discretionary outlays projected in the baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907).

(d) BUDGETARY EFFECTS.—

(1) PAYGO SCORECARD.—The budgetary effects of this title shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(d)).

(2) SENATE PAYGO SCORECARD.—The budgetary effects of this title shall not be entered on any PAYGO scorecard maintained for purposes of section 201 of S. Con. Res. 21 (110th Congress).

(e) PAYGO INTERACTION.—On compliance with the requirements specified in subsection (b), no changes in revenues estimated to result from the enactment of this title shall be counted for the purposes of section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

**SA 2541.** Mr. MCCONNELL (for Mr. CARPER (for himself and Mr. JOHNSON)) proposed an amendment to the bill S. 614, to provide access to and use of information by Federal agencies in order to reduce improper payments, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Improper Payments Coordination Act of 2015”.

#### SEC. 2. AVAILABILITY OF THE DO NOT PAY INITIATIVE TO THE JUDICIAL AND LEGISLATIVE BRANCHES AND STATES.

Section 5 of the Improper Payments Elimination and Recovery Improvement Act of 2012 (31 U.S.C. 3321 note) is amended—

(1) in subsection (b)(3)—

(A) in the paragraph heading, by striking “BY AGENCIES”;

(B) by striking “For purposes” and inserting the following:

“(A) IN GENERAL.—For purposes”; and

(C) by adding at the end the following:

“(B) OTHER ENTITIES.—States and any contractor, subcontractor, or agent of a State, and the judicial and legislative branches of the United States (as defined in paragraphs (2) and (3), respectively, of section 202(e) of title 18, United States Code), shall have access to, and use of, the Do Not Pay Initiative for the purpose of verifying payment or award eligibility for payments (as defined in section 2(g)(3) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note)) when, with respect to a State, the Director of the Office of Management and Budget determines that the Do Not Pay Initiative is appropriately established for that State and any contractor, subcontractor, or agent of

the State, and, with respect to the judicial and legislative branches of the United States, when the Director of the Office of Management and Budget determines that the Do Not Pay Initiative is appropriately established for the judicial branch or the legislative branch, as applicable.

“(C) CONSISTENCY WITH PRIVACY ACT OF 1974.—To ensure consistency with the principles of section 552a of title 5, United States Code (commonly known as the ‘Privacy Act of 1974’), the Director of the Office of Management and Budget may issue guidance that establishes privacy and other requirements that shall be incorporated into Do Not Pay Initiative access agreements with States, including any contractor, subcontractor, or agent of a State, and the judicial and legislative branches of the United States.”; and

(2) in subsection (d)(2)—

(A) in subparagraph (B), by striking “and” after the semicolon;

(B) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(C) by inserting after subparagraph (C) the following:

“(D) may include States and their quasi-government entities, and the judicial and legislative branches of the United States (as defined in paragraphs (2) and (3), respectively, of section 202(e) of title 18, United States Code) as users of the system in accordance with subsection (b)(3).”.

#### SEC. 3. IMPROVING THE SHARING AND USE OF DATA BY GOVERNMENT AGENCIES TO CURB IMPROPER PAYMENTS.

The Improper Payments Elimination and Recovery Improvement Act of 2012 (31 U.S.C. 3321 note) is amended—

(1) in section 5(a)(2), by striking subparagraph (A) and inserting the following:

“(A) The death records maintained by the Commissioner of Social Security.”; and

(2) by adding at the end the following:

#### “SEC. 7. IMPROVING THE USE OF DATA BY GOVERNMENT AGENCIES FOR CURBING IMPROPER PAYMENTS.

“(a) PROMPT REPORTING OF DEATH INFORMATION BY THE DEPARTMENT OF STATE AND THE DEPARTMENT OF DEFENSE.—Not later than 1 year after the date of enactment of this section, the Secretary of State and the Secretary of Defense shall establish a procedure under which each Secretary shall, promptly and on a regular basis, submit information relating to the deaths of individuals to each agency for which the Director of the Office of Management and Budget determines receiving and using such information would be relevant and necessary.

“(b) GUIDANCE TO AGENCIES REGARDING DATA ACCESS AND USE FOR IMPROPER PAYMENTS PURPOSES.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Director of the Office of Management and Budget, in consultation with the Council of the Inspectors General on Integrity and Efficiency, the heads of other relevant Federal, State, and local agencies, and Indian tribes and tribal organizations, as appropriate, shall issue guidance regarding implementation of the Do Not Pay Initiative under section 5 to—

“(A) the Department of the Treasury; and

“(B) each agency or component of an agency—

“(i) that operates or maintains a database of information described in section 5(a)(2); or

“(ii) for which the Director determines improved data matching would be relevant, necessary, or beneficial.

“(2) REQUIREMENTS.—The guidance issued under paragraph (1) shall—

“(A) address the implementation of subsection (a); and

“(B) include the establishment of deadlines for access to and use of the databases described in section 5(a)(2) under the Do Not Pay Initiative.”.

#### SEC. 4. DATA ANALYTICS.

Section 5 of the Improper Payments Elimination and Recovery Improvement Act of 2012 (31 U.S.C. 3321 note), is amended by adding at the end the following:

“(h) REPORT ON IMPROPER PAYMENTS DATA ANALYSIS.—Not later than 180 days after the date of enactment of the Federal Improper Payments Coordination Act of 2015, the Secretary of the Treasury shall submit to Congress a report which shall include a description of—

“(1) data analytics performed as part of the Do Not Pay Business Center operated by the Department of the Treasury for the purpose of detecting, preventing, and recovering improper payments through preaward, postaward prepayment, and postpayment analysis, which shall include a description of any analysis or investigations incorporating—

“(A) review and data matching of payments and beneficiary enrollment lists of State programs carried out using Federal funds for the purposes of identifying eligibility duplication, residency ineligibility, duplicate payments, or other potential improper payment issues;

“(B) review of multiple Federal agencies and programs for which comparison of data could show payment duplication; and

“(C) review of other information the Secretary of the Treasury determines could prove effective for identifying, preventing, or recovering improper payments, which may include investigation or review of information from multiple Federal agencies or programs;

“(2) the metrics used in determining whether the analytic and investigatory efforts have reduced, or contributed to the reduction of, improper payments or improper awards; and

“(3) the target dates for implementing the data analytics operations performed as part of the Do Not Pay Business Center”.

#### AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 28, 2015, at 9:30 a.m. to conduct a hearing entitled “Lifting The Crude Oil Export Ban.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on July 28, 2015, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to

meet during the session of the Senate on July 28, 2015, at 10 a.m. to conduct a hearing entitled "Avoiding Duplication: An Examination of the State Department's Proposal to Construct a New Diplomatic Security Training Facility."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SELECT COMMITTEE ON INTELLIGENCE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 28, 2015, at 11:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SELECT COMMITTEE ON INTELLIGENCE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 28, 2015, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, that at 10 a.m., tomorrow, Wednesday, July 29, all postcloture time on the McConnell amendment No. 2266 be considered expired; further, that if cloture is invoked on H.R. 22, then the postcloture time count as if cloture had been invoked at 6 a.m. on Wednesday, July 29.

The PRESIDING OFFICER. Without objection, it is so ordered.

### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, following the vote on the motion to invoke cloture on H.R. 22, the Senate proceed to executive session to consider the following nominations en bloc: Executive Calendar Nos. 6, 137, and 193; that the Senate proceed to vote without intervening action or debate; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nominations; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of Executive Calendar No. 232; that the nomination be con-

firmed; that the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

#### IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Robert P. Ashley, Jr.

### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

### FEDERAL IMPROPER PAYMENTS COORDINATION ACT OF 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 156, S. 614.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 614) to provide access to and use of information by Federal agencies in order to reduce improper payments, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I further ask unanimous consent that the Carper amendment be agreed to; the bill, as amended, be read a third time and passed; and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2541) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Improper Payments Coordination Act of 2015".

#### SEC. 2. AVAILABILITY OF THE DO NOT PAY INITIATIVE TO THE JUDICIAL AND LEGISLATIVE BRANCHES AND STATES.

Section 5 of the Improper Payments Elimination and Recovery Improvement Act of 2012 (31 U.S.C. 3321 note) is amended—

(1) in subsection (b)(3)—

(A) in the paragraph heading, by striking "BY AGENCIES";

(B) by striking "For purposes" and inserting the following:

"(A) IN GENERAL.—For purposes"; and

(C) by adding at the end the following:

"(B) OTHER ENTITIES.—States and any contractor, subcontractor, or agent of a State,

and the judicial and legislative branches of the United States (as defined in paragraphs (2) and (3), respectively, of section 202(e) of title 18, United States Code), shall have access to, and use of, the Do Not Pay Initiative for the purpose of verifying payment or award eligibility for payments (as defined in section 2(g)(3) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note)) when, with respect to a State, the Director of the Office of Management and Budget determines that the Do Not Pay Initiative is appropriately established for that State and any contractor, subcontractor, or agent of the State, and, with respect to the judicial and legislative branches of the United States, when the Director of the Office of Management and Budget determines that the Do Not Pay Initiative is appropriately established for the judicial branch or the legislative branch, as applicable.

"(C) CONSISTENCY WITH PRIVACY ACT OF 1974.—To ensure consistency with the principles of section 552a of title 5, United States Code (commonly known as the 'Privacy Act of 1974'), the Director of the Office of Management and Budget may issue guidance that establishes privacy and other requirements that shall be incorporated into Do Not Pay Initiative access agreements with States, including any contractor, subcontractor, or agent of a State, and the judicial and legislative branches of the United States."; and

(2) in subsection (d)(2)—

(A) in subparagraph (B), by striking "and" after the semicolon;

(B) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(C) by inserting after subparagraph (C) the following:

"(D) may include States and their quasi-government entities, and the judicial and legislative branches of the United States (as defined in paragraphs (2) and (3), respectively, of section 202(e) of title 18, United States Code) as users of the system in accordance with subsection (b)(3)."

#### SEC. 3. IMPROVING THE SHARING AND USE OF DATA BY GOVERNMENT AGENCIES TO CURB IMPROPER PAYMENTS.

The Improper Payments Elimination and Recovery Improvement Act of 2012 (31 U.S.C. 3321 note) is amended—

(1) in section 5(a)(2), by striking subparagraph (A) and inserting the following:

"(A) The death records maintained by the Commissioner of Social Security."; and

(2) by adding at the end the following:

#### "SEC. 7. IMPROVING THE USE OF DATA BY GOVERNMENT AGENCIES FOR CURBING IMPROPER PAYMENTS.

"(a) PROMPT REPORTING OF DEATH INFORMATION BY THE DEPARTMENT OF STATE AND THE DEPARTMENT OF DEFENSE.—Not later than 1 year after the date of enactment of this section, the Secretary of State and the Secretary of Defense shall establish a procedure under which each Secretary shall, promptly and on a regular basis, submit information relating to the deaths of individuals to each agency for which the Director of the Office of Management and Budget determines receiving and using such information would be relevant and necessary.

"(b) GUIDANCE TO AGENCIES REGARDING DATA ACCESS AND USE FOR IMPROPER PAYMENTS PURPOSES.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Director of the Office of Management and Budget, in consultation with the Council of the Inspectors General on Integrity and Efficiency, the heads of other relevant Federal, State, and local agencies, and Indian

tribes and tribal organizations, as appropriate, shall issue guidance regarding implementation of the Do Not Pay Initiative under section 5 to—

“(A) the Department of the Treasury; and  
“(B) each agency or component of an agency—

“(i) that operates or maintains a database of information described in section 5(a)(2); or  
“(ii) for which the Director determines improved data matching would be relevant, necessary, or beneficial.

“(2) REQUIREMENTS.—The guidance issued under paragraph (1) shall—

“(A) address the implementation of subsection (a); and

“(B) include the establishment of deadlines for access to and use of the databases described in section 5(a)(2) under the Do Not Pay Initiative.”.

#### SEC. 4. DATA ANALYTICS.

Section 5 of the Improper Payments Elimination and Recovery Improvement Act of 2012 (31 U.S.C. 3321 note), is amended by adding at the end the following:

“(h) REPORT ON IMPROPER PAYMENTS DATA ANALYSIS.—Not later than 180 days after the date of enactment of the Federal Improper Payments Coordination Act of 2015, the Secretary of the Treasury shall submit to Congress a report which shall include a description of—

“(1) data analytics performed as part of the Do Not Pay Business Center operated by the Department of the Treasury for the purpose of detecting, preventing, and recovering improper payments through preaward, postaward prepayment, and postpayment analysis, which shall include a description of any analysis or investigations incorporating—

“(A) review and data matching of payments and beneficiary enrollment lists of State programs carried out using Federal funds for the purposes of identifying eligibility duplication, residency ineligibility, duplicate payments, or other potential improper payment issues;

“(B) review of multiple Federal agencies and programs for which comparison of data could show payment duplication; and

“(C) review of other information the Secretary of the Treasury determines could prove effective for identifying, preventing, or recovering improper payments, which may include investigation or review of information from multiple Federal agencies or programs;

“(2) the metrics used in determining whether the analytic and investigatory efforts have reduced, or contributed to the reduction of, improper payments or improper awards; and

“(3) the target dates for implementing the data analytics operations performed as part of the Do Not Pay Business Center”.

The bill (S. 614), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

#### WOUNDED WARRIORS FEDERAL LEAVE ACT OF 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 160, S. 242.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 242) to amend title 5, United States Code, to provide leave to any new Federal employee who is a veteran with a

service-connected disability rated at 30 percent or more for purposes of undergoing medical treatment for such disability, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent that the bill be read a third time and passed, and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 242) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 242

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Wounded Warriors Federal Leave Act of 2015”.

#### SEC. 2. ADDITIONAL LEAVE FOR FEDERAL EMPLOYEES WHO ARE DISABLED VETERANS.

(a) IN GENERAL.—Subchapter II of chapter 63 of title 5, United States Code, is amended by adding at the end the following:

##### “§ 6329. Disabled veteran leave

“(a) DEFINITIONS.—In this section—

“(1) notwithstanding section 6301, the term ‘employee’—

“(A) has the meaning given such term in section 2105; and

“(B) includes an officer or employee of the United States Postal Service or of the Postal Regulatory Commission;

“(2) the term ‘service-connected’ has the meaning given such term in section 101(16) of title 38; and

“(3) the term ‘veteran’ has the meaning given such term in section 101(2) of title 38.

“(b) LEAVE CREDITED.—During the 12-month period beginning on the first day of the employment of an employee who is a veteran with a service-connected disability rated at 30 percent or more disabling, the employee is entitled to leave, without loss or reduction in pay, for purposes of undergoing medical treatment for such disability for which sick leave could regularly be used.

“(c) LIMITATIONS.—

“(1) AMOUNT OF LEAVE.—The leave credited to an employee under subsection (b) may not exceed 104 hours.

“(2) NO CARRY OVER.—Any leave credited to an employee under subsection (b) that is not used during the 12-month period described in such subsection may not be carried over and shall be forfeited.

“(d) CERTIFICATION.—In order to verify that leave credited to an employee under subsection (b) is used for treating a service-connected disability, the employee shall submit to the head of the employing agency a certification, in such form and manner as the Director of the Office of Personnel Management may prescribe, that the employee used the leave for purposes of being furnished treatment for the disability by a health care provider.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 63 of title 5, United States Code, is amended by adding after the item relating to section 6328 the following:

“6329. Disabled veteran leave.”.

(c) APPLICATION.—The amendment made by subsection (a) shall apply with respect to an employee (as that term is defined in section 6329(a)(1) of title 5, United States Code, as added by subsection (a)) hired on or after the

date that is 1 year after the date of enactment of this Act.

(d) REGULATIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act—

(A) the Postmaster General shall prescribe regulations with respect to the leave provided under the amendment made by subsection (a) for employees of the United States Postal Service and the Postal Regulatory Commission; and

(B) the Director of the Office of Personnel Management shall prescribe regulations with respect to the leave provided under the amendment made by subsection (a) for all other employees.

(2) BRIEFING REQUIREMENT.—Not later than 3 months after the date of enactment of this Act, and every 3 months thereafter until the date on which the Director of the Office of Personnel Management prescribes final regulations under paragraph (1)(B), the Director shall brief the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives regarding the development of such regulations.

#### NATIONAL SEA GRANT COLLEGE PROGRAM AMENDMENTS ACT OF 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 161, S. 764.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 764) to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. 764

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “National Sea Grant College Program Amendments Act of 2015”.

#### SEC. 2. REFERENCES TO THE NATIONAL SEA GRANT COLLEGE PROGRAM ACT.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

#### SEC. 3. MODIFICATION OF DEAN JOHN A. KNAUSS MARINE POLICY FELLOWSHIP.

(a) IN GENERAL.—Section 208(b) (33 U.S.C. 1127(b)) is amended by striking “may” and inserting “shall”.

(b) PLACEMENTS IN CONGRESS.—Such section is further amended—

(1) in the first sentence, by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”; and

(2) in paragraph (1), as designated by paragraph (1), in the second sentence, by striking “A fellowship” and inserting the following:

“(2) PLACEMENT PRIORITIES.—

“(A) IN GENERAL.—In each year in which the Secretary awards a legislative fellowship under this subsection, when considering the placement of fellows, the Secretary shall prioritize placement of fellows in the following:

“(i) Positions in offices of, or with members on, committees of Congress that have jurisdiction over the National Oceanic and Atmospheric Administration.

“(ii) Positions in offices of members of Congress that have a demonstrated interest in ocean, coastal, or Great Lakes resources.

“(B) **EQUITABLE DISTRIBUTION.**—In placing fellows in offices described in subparagraph (A), the Secretary shall ensure, to the maximum degree practicable, that placements are equitably distributed among the political parties.

“(3) **DURATION.**—A fellowship”.

(c) **EFFECTIVE DATE.**—The amendments made by subsection (b) shall apply with respect to the first calendar year beginning after the date of enactment of this Act.

(d) **SENSE OF CONGRESS CONCERNING FEDERAL HIRING OF FORMER FELLOWS.**—It is the sense of Congress that in recognition of the competitive nature of the fellowship under section 208(b) of the National Sea Grant College Program Act (33 U.S.C. 1127(b)), and of the exceptional qualifications of fellowship awardees, the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, should encourage participating Federal agencies to consider opportunities for fellowship awardees at the conclusion of their fellowship for workforce positions appropriate for their education and experience.

**SEC. 4. MODIFICATION OF AUTHORITY OF SECRETARY OF COMMERCE TO ACCEPT DONATIONS FOR NATIONAL SEA GRANT COLLEGE PROGRAM.**

(a) **IN GENERAL.**—Section 204(c)(4)(E) (33 U.S.C. 1123(c)(4)(E)) is amended to read as follows:

“(E) accept donations of money and, notwithstanding section 1342 of title 31, United States Code, of voluntary and uncompensated services;”.

(b) **PRIORITIES.**—The Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, shall establish priorities for the use of donations accepted under section 204(c)(4)(E) of the National Sea Grant College Program Act (33 U.S.C. 1123(c)(4)(E)), and shall consider among those priorities the possibility of expanding the Dean John A. Knauss Marine Policy Fellowship's placement of additional fellows in relevant legislative offices under section 208(b) of that Act (33 U.S.C. 1127(b)), in accordance with the recommendations under subsection (c) of this section.

(c) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Director of the National Sea Grant College Program, in consultation with the National Sea Grant Advisory Board and the Sea Grant Association, shall—

(1) develop recommendations for the optimal use of any donations accepted under section 204(c)(4)(E) of the National Sea Grant College Program Act (33 U.S.C. 1123(c)(4)(E)); and

(2) submit to Congress a report on the recommendations developed under paragraph (1).

(d) **CONSTRUCTION.**—Nothing in this section shall be construed to limit or otherwise affect any other amounts available for marine policy fellowships under section 208(b) of the National Sea Grant College Program Act (33 U.S.C. 1127(b)), including amounts—

(1) accepted under section 204(c)(4)(F) of that Act (33 U.S.C. 1123(c)(4)(F)); or

(2) appropriated under section 212 of that Act (33 U.S.C. 1131).

**SEC. 5. REPEAL OF REQUIREMENT FOR REPORT ON COORDINATION OF OCEANS AND COASTAL RESEARCH ACTIVITIES.**

Section 9 of the National Sea Grant College Program Act Amendments of 2002 (33 U.S.C. 857–20) is repealed.

**SEC. 6. REDUCTION IN FREQUENCY REQUIRED FOR NATIONAL SEA GRANT ADVISORY BOARD REPORT.**

Section 209(b)(2) (33 U.S.C. 1128(b)(2)) is amended—

(1) in the heading, by striking “BIENNIAL” and inserting “PERIODIC”; and

(2) in the first sentence, by striking “The Board shall report to the Congress every two years” and inserting “Not less frequently than once every 3 years, the Board shall submit to Congress a report”.

**SEC. 7. MODIFICATION OF ELEMENTS OF NATIONAL SEA GRANT COLLEGE PROGRAM.**

Section 204(b) (33 U.S.C. 1123(b)) is amended, in the matter before paragraph (1), by inserting “for research, education, extension, training, technology transfer, and public service” after “financial assistance”.

**SEC. 8. DIRECT HIRE AUTHORITY; DEAN JOHN A. KNAUSS MARINE POLICY FELLOWSHIP.**

(a) **IN GENERAL.**—During fiscal year 2016 and thereafter, the head of any Federal agency may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of that title, a qualified candidate described in subsection (b) directly to a position with the Federal agency for which the candidate meets Office of Personnel Management qualification standards.

(b) **DEAN JOHN A. KNAUSS MARINE POLICY FELLOWSHIP.**—Subsection (a) applies with respect to a former recipient of a Dean John A. Knauss Marine Policy Fellowship under section 208(b) of the National Sea Grant College Program Act (33 U.S.C. 1127(b)) who—

(1) earned a graduate or post-graduate degree in a field related to ocean, coastal and Great Lakes resources or policy from an accredited institution of higher education; and

(2) successfully fulfilled the requirements of the fellowship within the executive or legislative branch of the United States Government.

(c) **LIMITATION.**—The direct hire authority under this section shall be exercised with respect to a specific qualified candidate not later than 2 years after the date that the candidate completed the fellowship.

**SEC. 9. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL SEA GRANT COLLEGE PROGRAM.**

(a) **IN GENERAL.**—Section 212(a) (33 U.S.C. 1131(a)) is amended—

(1) in paragraph (1)—  
(A) in subparagraph (E), by striking “and” at the end;

(B) in subparagraph (F), by striking the period at the end and inserting “;”; and  
(C) by adding at the end the following:

“(G) \$72,000,000 for fiscal year 2015;  
“(H) \$75,600,000 for fiscal year 2016;  
“(I) \$79,380,000 for fiscal year 2017;  
“(J) \$83,350,000 for fiscal year 2018;  
“(K) \$87,520,000 for fiscal year 2019;  
“(L) \$91,900,000 for fiscal year 2020; and  
“(M) \$96,500,000 for fiscal year 2021.”;

(2) in the heading for paragraph (2), by inserting “FOR FISCAL YEARS 2009 THROUGH 2014” after “PRIORITY ACTIVITIES”; and

(3) by adding at the end the following:

“(3) **PRIORITY ACTIVITIES FOR FISCAL YEARS 2015 THROUGH 2020.**—In addition to the amounts authorized under paragraph (1), there is authorized to be appropriated \$6,000,000 for each of fiscal years 2015 through 2020 for competitive grants for the following:

“(A) University research on the biology, prevention, and control of aquatic nonnative species.

“(B) University research on oyster diseases, oyster restoration, and oyster-related human health risks.

“(C) University research on the biology, prevention, and forecasting of harmful algal blooms.

“(D) University research, education, training, and extension services and activities focused on coastal resilience and U.S. working waterfronts and other regional or national priority issues identified in the strategic plan under section 204(c)(1).

“(E) University research on sustainable aquaculture techniques and technologies.

“(F) Fishery extension activities conducted by sea grant colleges or sea grant institutes to enhance, and not supplant, existing core program funding.”.

(b) **MODIFICATION OF LIMITATIONS ON AMOUNTS FOR ADMINISTRATION.**—Paragraph (1) of section 212(b) (33 U.S.C. 1131(b)) is amended to read as follows:

“(1) **ADMINISTRATION.**—

“(A) **IN GENERAL.**—There may not be used for administration of programs under this title in a fiscal year more than 5.5 percent of the lesser of—

“(i) the amount authorized to be appropriated under this title for the fiscal year; or

“(ii) the amount appropriated under this title for the fiscal year.

“(B) **CRITICAL STAFFING REQUIREMENTS.**—

“(i) **IN GENERAL.**—The Director shall use the authority under subchapter VI of chapter 33 of title 5, United States Code, to meet any critical staffing requirement while carrying out the activities authorized in this title.

“(ii) **EXCEPTION FROM CAP.**—For purposes of subparagraph (A), any costs incurred as a result of an exercise of authority as described in clause (i) shall not be considered an amount used for administration of programs under this title in a fiscal year.”.

(c) **ALLOCATION OF FUNDING.**—

(1) **IN GENERAL.**—Section 204(d)(3) (33 U.S.C. 1123(d)(3)) is amended—

(A) in the matter before subparagraph (A), by striking “With respect to sea grant colleges and sea grant institutes” and inserting “With respect to sea grant colleges, sea grant institutes, sea grant programs, and sea grant projects”; and

(B) in subparagraph (B), in the matter before clause (i), by striking “funding among sea grant colleges and sea grant institutes” and inserting “funding among sea grant colleges, sea grant institutes, sea grant programs, and sea grant projects”.

(2) **REPEAL OF REQUIREMENTS CONCERNING DISTRIBUTION OF EXCESS AMOUNTS.**—Section 212 (33 U.S.C. 1131) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

**SEC. 10. TECHNICAL CORRECTIONS.**

The National Sea Grant College Program Act (33 U.S.C. 1121 et seq.) is amended—

(1) in section 204(d)(3)(B) (33 U.S.C. 1123(d)(3)(B)), by moving clause (vi) two ems to the right; and

(2) in section 209(b)(2) (33 U.S.C. 1128(b)(2)), as amended by section 6, in the third sentence, by striking “The Secretary shall” and inserting the following:

“(3) **AVAILABILITY OF RESOURCES OF DEPARTMENT OF COMMERCE.**—The Secretary shall”.

Mr. McCONNELL. I ask unanimous consent that the committee-reported substitute be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 764), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

# AUTHORIZING USE OF EMANCIPATION HALL

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 64, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The senior assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 64) authorizing the use of Emancipation Hall in the Capitol Visitor Center for a ceremony to present the Congressional Gold Medal to the Monuments Men.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. McCONNELL. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 64) was agreed to.

# HONORING THE NATIONAL ASSO- CIATION OF WOMEN BUSINESS OWNERS ON ITS 40TH ANNIVER- SARY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 225.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 225) honoring the National Association of Women Business Owners on its 40th anniversary.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 225) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of July 21, 2015, under "Submitted Resolutions.")

# RECOGNIZING AND HONORING THE 25TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT OF 1990

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 20.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The senior assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 20) recognizing and honoring the 25th anniversary of the date of enactment of the Americans with Disabilities Act of 1990.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 20) was agreed to.

The preamble was agreed to.

(The concurrent resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

# MEASURES READ THE FIRST TIME—S. 1881 AND H.J. RES. 61

Mr. McCONNELL. Mr. President, I understand that there is a bill and a joint resolution at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will read the measures by title for the first time en bloc.

The senior assistant legislative clerk read as follows:

A bill (S. 1881) to prohibit Federal funding of Planned Parenthood Federation of America.

A joint resolution (H.J. Res. 61) amending the Internal Revenue Code of 1986 to exempt

employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act.

Mr. McCONNELL. I now ask for a second reading, and I object to my own request, all en bloc.

The PRESIDING OFFICER. Objection having been heard, the measures will be read for the second time on the next legislative day.

# ORDERS FOR WEDNESDAY, JULY 29, 2015

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, July 29; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following leader remarks, the Senate resume consideration of H.R. 22, under the previous order, with the time until 10 a.m. equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

# ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:04 p.m., adjourned until Wednesday, July 29, 2015, at 9:30 a.m.

# CONFIRMATION

Executive nomination confirmed by the Senate July 28, 2015:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. ROBERT P. ASHLEY, JR.